



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 291

नं. दिल्ली, जुलाई 13—जुलाई 19, 2008, शनिवार/आषाढ़ 22—आषाढ़ 28, 1980

No. 291

NEW DELHI, JULY 13—JULY 19, 2008, SATURDAY/ASADHA 22—ASADHA 28, 1980

इस भाग में चिन्ह पृष्ठ संख्या दी जाती है जिससे कि यह प्रकाश संचालन के रूप में रखा जा सके।

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विक अधेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 8 जुलाई, 2008

का.आ. 1823.—केन्द्रीय सरकार, दंड प्रक्रिया संहित, 1973 (1974 का 2) की धारा 24 की उपधारा (1) द्वारा प्रदत्त मंत्रियों का प्रयोग करते हुए, मुख्य उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दांडिक भागलों का जिसके अंतर्गत सभी दांडिक रिट याचिकार, दांडिक अपीलें, दांडिक पुनरीक्षण, दांडिक निर्देश और दांडिक आवेदन भी हैं, का संचालन करने के प्रयोजन के लिए इस रूप के अध्यक्षन कि श्री विनोद भागवत जोरी, अधिकारा को एक कर्व की विसंसरित अधिकारी के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या केन्द्रीय सरकार के किसी कार्यालय के विरुद्ध उपर्युक्त नहीं होंगे, 18 जुलाई, 2008 से एक कर्व की अविस्तृत अद्यता के लिए या अगले आदेश तक; इनमें से जो भी पूरीत हो, अपर होक अभियोजक के रूप में नियुक्त किए जाने पर श्री विनोद भागवत जोरी, अधिकारा की नियुक्ति की अवधि का विस्तार करती है।

[सं. का. 23(2)/2008-न्यायिक]

एम. ए. खान यसूफी, संयुक्त सचिव और विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 8th July, 2008

S.O. 1823.—In exercise of the powers conferred by sub-section (1) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby extends the terms of appointment of Shri Vinod Bhagwat Joshi, Advocate as Additional Public Prosecutor, for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government, in the High Court of Judicature at Mumbai, with effect from 8th July, 2008, for a further period of one year or until further orders, whichever is earlier, subject to the condition that Shri Vinod Bhagwat Joshi, Advocate shall not appear against the Union of India or any Department or Office of the Central Government, in any criminal case referred to above in the High Court of Judicature at Mumbai during the extended period of one year.

[F. No. 23(2)/2008-Jud.]

M. A. KHAN YUSUFI, Lt. Secy. & Legal Adviser

नई दिल्ली, 8 जुलाई, 2008

का.आ. 1824.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुंबई उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दांडिक मामलों का जिसके अंतर्गत सभी दांडिक रिट याचिकाएं, दांडिक अपीलें, दांडिक पुनरीक्षण, दांडिक निर्देश और दांडिक आवेदन भी हैं, का संचालन करने के प्रयोजन के लिए इस शर्त के अध्यधीन कि श्री मनोरंजन साहू, अधिवक्ता को एक वर्ष की विस्तरित अवधि के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या केन्द्रीय सरकार के किसी कार्यालय के विरुद्ध ऊपर निर्दिष्ट किसी दांडिक मामले में मुंबई उच्च न्यायालय में उपसंचात नहीं होंगे, 29 अगस्त, 2008 से एक वर्ष की अतिरिक्त अवधि के लिए या अगले आदेश तक; इनमें से जो भी पूर्वतर हो, अपर लोक अभियोजक के रूप में नियुक्त किए जाने पर श्री मनोरंजन साहू, अधिवक्ता की नियुक्ति की अवधि का विस्तार करती है।

[फा. सं. 23(2)/2008-न्यायिक]

एम. ए. खान यूसूफी, संयुक्त सचिव और विधि सलाहकार

New Delhi, the 8th July, 2008

S.O. 1824.—In exercise of the powers conferred by sub-section (1) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby extends the terms of appointment of Shri Manoranjan Sahu, Advocate as Additional Public Prosecutor, for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government, in the High Court of Judicature at Mumbai, with effect from 31st May, 2008, for a further period of one year or until further orders, whichever is earlier, subject to the condition that Shri Manoranjan Sahu, Advocate shall not appear against the Union of India or any Department or Office of the Central Government, in any criminal case referred to above in the High Court of Judicature Mumbai during the extended period of one year.

[F. No. 23(2)/2008-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

नई दिल्ली, 8 जुलाई, 2008

का.आ. 1825.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुंबई उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दांडिक मामलों का जिसके अंतर्गत सभी दांडिक रिट याचिकाएं, दांडिक अपीलें, दांडिक पुनरीक्षण, दांडिक निर्देश और दांडिक आवेदन भी हैं, संचालन करने के प्रयोजन के लिए इस शर्त के अध्यधीन कि श्री अविनाश दत्तात्राय कांगो, अधिवक्ता को एक वर्ष की विस्तरित अवधि के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या

केन्द्रीय सरकार के किसी कार्यालय के विरुद्ध ऊपर निर्दिष्ट किसी दांडिक मामले में मुंबई उच्च न्यायालय में उपसंचात नहीं होंगे, 29 अगस्त, 2008 से एक वर्ष की अतिरिक्त अवधि के लिए या अगले आदेश तक; इनमें से जो भी पूर्वतर हो, अपर लोक अभियोजक के रूप में नियुक्त किए जाने पर श्री अविनाश दत्तात्राय कांगो, अधिवक्ता की नियुक्ति की अवधि का विस्तार करती है।

[सं. फा-23(2)/2008-न्यायिक]

एम. ए. खान यूसूफी, संयुक्त सचिव और विधि सलाहकार

New Delhi, the 8th July, 2008

S.O. 1825.—In exercise of the powers conferred by sub-section (1) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby extends the terms of appointment of Shri Avinash Dattatraya Kango, Advocate as Additional Public Prosecutor, for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government, in the High Court of Judicature at Mumbai, with effect from 29th August, 2008, for a further period of one year or until further orders, whichever is earlier, subject to the condition that Shri Avinash Dattatraya Kango, Advocate shall not appear against the Union of India or any Department or Office of the Central Government, in any criminal case referred to above in the High Court of Judicature Mumbai during the extended period of one year.

[F. No. 23(2)/2008-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

कार्यिक, स्लोक शिकायत तथा पैशेन मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 16 जुलाई, 2008

का.आ. 1826.—केन्द्रीय सरकार एतदद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धोरा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पश्चिम बंगाल राज्य सरकार, गृह (राजनीतिक) विभाग, गोपनीय अनुभाग की अधिसूचना सं. 404/1(4)-पी.एस. दिनांक 1 अप्रैल, 2008 द्वारा प्राप्त सहमति से पुलिस थाना श्यामपुरु में दर्ज मामला सं. 1097, दिनांक 4-11-2007 से उद्भूत भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी, 419 और 353 के अधीन दंडनीय अपराध और उक्त अपराध से संबंधित अथवा संस्कृत प्रयत्नों, दुष्प्रेरणों और घड़यत्रों और उसी संबंधवाहर के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारियों का विस्तार सम्पूर्ण परिचम बंगाल राज्य पर करती है।

[सं. 228/31/2008-ए.वी.डी. II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 16th July, 2008

S.O. 1826.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of West Bengal Home (Political) Department, Secret Section vide Notification No. 404/1(4)-P.S. dated 1st April, 2008, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of West Bengal for investigation of Case No. 197, dated 4-11-2007 under Sections 120-B, 419 and 353 of the Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Police Station Shyampukur and attempts, abetments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/31/2008-AVD-II]

CHANDRA PRAKASH, Under Secy.

कार्यालय आयुक्त, केन्द्रीय उत्पाद एवं सौम्य शुल्क

भोपाल, 10 जून, 2008

क्र. 1/2008

क्रा.आ. 1827.—आयुक्त कार्यालय, केन्द्रीय उत्पाद एवं सौम्य शुल्क, भोपाल के निम्नलिखित अधिकारियों का देहान्तरन उनके नाम के सम्मुख दर्शाये गए दिनांक को हो गया है।

क्र. सं. अधिकारी का नाम	पदनाम	निधन, दिनांक
1. श्री ए.एस. गटेवार	अधीक्षक	30-5-2008
2. श्री के. जे. बुर्डे	निरीक्षक	2-6-2008

[क्र. सं. II(25)01/2000/स्था.-I]

देवज्योती भट्टाचार्य, अपर आयुक्त (का.सं.)

OFFICE OF THE COMMISSIONER, CUSTOMS
AND CENTRAL EXCISE

Bhopal, the 10th June, 2008

No. 1/2008

S.O. 1827.—The Officers of Customs and Central Excise Commissionerate, Bhopal have passed away on the dates mentioned before their name :—

Sl. No.	Name of the officer	Designation	Date of death
1.	Shri A. S. Gatewar	Superintendent	30-5-2008
2.	Shri K. J. Burde	Inspector	2-6-2008

[C. No. II(25)01/2000/Estt.-I]

DEBJYOTI BHATTACHARYA, Additional
Commissioner (P & V)

भोपाल, 10 जून, 2008

क्र. 2/2008

क्रा.आ. 1828.—श्री अनिल मिश्रा, निरीक्षक, केन्द्रीय उत्पाद एवं सौम्य शुल्क आयुक्तालय, भोपाल ने शासकीय सेवा से राजपत्र दे दिया है। उनके राजपत्र को स्वीकार कर उन्हें दिनांक 17-3-2008 से शासकीय सेवा से मुक्त कर दिया गया है।

[क्र. सं. II(25)01/2000/स्था.-I]

देवज्योती भट्टाचार्य, अपर आयुक्त (का.सं.)

Bhopal, the 10th June, 2008

No. 2/2008

S.O. 1828.—Shri Anil Mishra, Inspector of Customs and Central Excise, Bhopal Commissionerate has resigned from Government services and his resignation has been accepted w.e.f. 17-3-2008.

[C. No. II(25)01/2000/Estt.-I]

DEBJYOTI BHATTACHARYA, Additional
Commissioner (P & V)

विश. मंशालय

(विशेष सेवाएँ विभाग)

नई दिल्ली, 10 जुलाई, 2008

क्रा.आ. 1829.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपकरणों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त राजिताओं का प्रयोग करते हुए, केन्द्रीय सरकार, एटद्वारा, श्री श्रीधर चेरुकुरी को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, अथवा आगे आदेशों तक, जो भी पहले हो, विचाय बैंक के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[क्र. सं. 9/19/2007-बीओ-1]

जी. बी. सिंह, उप सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 10th July, 2008

S.O. 1829.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Sridhar Cherukuri as part-time non-official Director on the Board of Directors of Vijaya Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/19/2007-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 10 जुलाई, 2008

का.आ. 1830.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री रमेश अडिगे को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, अथवा अगले आदेशों तक, जो भी पहले हो, सिंडिकेट बैंक के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/19/2007-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 10th July, 2008

S.O. 1830.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Ramesh Adige as part-time non-official Director on the Board of Directors of Syndicate Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/19/2007-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 10 जुलाई, 2008

का.आ. 1831.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री भारत भूषण बतरा को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, अथवा अगले आदेशों तक, जो भी पहले हो, ओरियटल बैंक आफ कामर्स के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/19/2007-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 10th July, 2008

S.O. 1831.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government

hereby nominates Shri Bharat Bhushan Batra as part-time non-official Director on the Board of Directors of Oriental Bank of Commerce, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/19/2007-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 10 जुलाई, 2008

का.आ. 1832.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री कृष्ण मुरारी गंगावत को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब एंड सिथ बैंक के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/4/2006-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 10th July, 2008

S.O. 1832.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Krishan Murari Gangawat as part-time non-official Director on the Board of Directors of Punjab & Sind Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/4/2006-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 10 जुलाई, 2008

का.आ. 1833.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 9(2) के उपखण्ड (ख) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एस.एच. कोवेता को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, और/अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ महाराष्ट्र के निदेशक मण्डल में सनदी लेखाकार श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/30/2004-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 10th July, 2008

S.O. 1835.—In exercise of the powers conferred by sub-section 3(h) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri S. H. Kocheta as part-time non-official Director under Chartered Accountant category, on the Board of Directors of Bank of Maharashtra, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/30/2004-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 14 जुलाई, 2008

का.आ. 1834.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एटद्वारा, श्री राजीव शेखर साहू को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, अथवा अगले आदेशों तक, जो भी पहले हो, अंशकालिक बैंक के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/45/2005-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 14th July, 2008

S.O. 1834.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Rajib Sekhar Sahoo as part-time non-official Director on the Board of Directors of Andhra Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/45/2005-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 जुलाई, 2008

का.आ. 1835.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एटद्वारा,

डॉ. नैना शर्मा को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, अथवा अगले आदेशों तक, जो भी पहले हो, युनाइटेड बैंक आफ इंडिया के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/19/2007-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 15th July, 2008

S.O. 1835.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Dr. Naina Sharma as part-time non-official Director on the Board of Directors of United Bank of India, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/19/2007-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 जुलाई, 2008

का.आ. 1836.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 9 के उपखण्ड (1) एवं (2) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एटद्वारा, श्री अमित कुमार मोतायद को, अधिसूचना की तारीख से 31-01-2011 तक की अवधि के लिए, अथवा उनके बैंक ऑफ इंडिया के कर्मचारी बने रहने तक अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ इंडिया के निदेशक मंडल में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/14/2007-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 15th July, 2008

S.O. 1836.—In exercise of the powers conferred by clause (f) of sub-section 3 of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) & (2) of clause 9 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government after consultation with the Reserve Bank of India, hereby nominates Shri Amit Kumar Motayed, as Officer Employee Director on the Board of Directors of Bank of India, for a period upto 31-01-2011 from the date of notification or until he ceases to be an officer of the Bank of India or until further orders, whichever is the earliest.

[F. No. 9/14/2007-BO.I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 15 जुलाई, 2008

का.आ. 1837.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपकरणों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री बैंकट्राव वाई. घोरपडे को, उनकी नियुक्ति की अधिसूचना तिथि से तीन वर्षों की अवधि के लिए, अथवा अगले आदेशों तक, जो भी पहले हो, कार्यपालिका बैंक के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/19/2007-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 15th July, 2008

S.O. 1837.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Venkatrao Y. Ghorpade as part-time non-official Director on the Board of Directors of Corporation Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/19/2007-BO.I]

G. B. SINGH, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 7 जुलाई, 2008

का.आ. 1838.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, तत्काल प्रभाव से दो वर्षों की अवधि के लिए, या अगले आदेशों तक, जो भी पहले हो, निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है :—

- (1) डॉ. वाई. सोनिया रेड्डी
- (2) श्रीमती के. अनुराधा राजू
- (3) श्रीमती स्वाति सोमनाथ
- (4) श्रीमती पौ. अलेख्या
- (5) श्रीमती शरतज्ञोत्सना रानी

[फा. सं. 809/1/2007-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND
BROADCASTING

New Delhi, the 7th July, 2008

S.O. 1838.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in

exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Hyderabad Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

- (1) Dr. Y. Sonia Reddy
- (2) Smt. K. Anuradha Raju
- (3) Smt. Swathy Somnath
- (4) Smt. P. Alekhya
- (5) Smt. Sarathyothsna Rani

[F. No. 809/1/2007-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 7 जुलाई, 2008

का.आ. 1839.—इस मंत्रालय की दिनांक 6 अगस्त, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, तत्काल प्रभाव से दो वर्षों की अवधि के लिए, या अगले आदेशों तक, जो भी पहले हो, निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के मुख्य सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है।

- (1) श्रीमती शोभा जे. छज्जड़, 1401, किंगस्टन, हीरानंदानी गार्डन, पवई, मुम्बई।
- (2) श्री कमलकर जगताप, 86/51, बीडीडी चॉल, वर्ली, मुम्बई।

[फा. सं. 809/4/2007-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 7th July, 2008

S.O. 1839.—In continuation of this Ministry's Notification of even number dated 6th August, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Mumbai Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

- (1) Smt. Shobha J. Chajad, 1401, Kingstone, Hiranandani Garden, Pawai, Mumbai.
- (2) Shri Kamalakar Jagtap, 86/51, BDD Chawl, Worli, Mumbai.

[F. No. 809/4/2007-F(C)]

AMITABH KUMAR, Director (Films)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 26 जून, 2008

का.आ. 1840.—केन्द्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है ; अर्थात् :

2. दंत चिकित्सक अधिनियम, 1948 की अनुसूची के भाग-1 में क्रम सं. 71 के बाद उससे सम्बन्धित प्रविष्टियां, निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात् :—

“72. राजस्थान यूनिवर्सिटी
ऑफ हेल्थ साइंसेज, जयपुर

I. सुरेन्द्र डेंटल कालेज एंड रिसर्चइंस्टीट्यूट, श्री गंगानगर, राजस्थान

(i) बैचलर ऑफ डेंटल सर्जरी
(यदि यह 19-9-2007 को अथवा इसके उपरान्त प्रदान की गई हो)

बी डी एस, राजस्थान यूनिवर्सिटी
ऑफ हेल्थ साइंसेज, जयपुर

II. राजस्थान डेंटल कालेज एंड
हास्पिटल, जयपुर

(i) बैचलर ऑफ डेंटल सर्जरी
(यदि यह 23-10-2007 को अथवा इसके उपरान्त प्रदान की गई हो)

बी डी एस, राजस्थान यूनिवर्सिटी
ऑफ हेल्थ साइंसेज, जयपुर

III. महात्मा गांधी डेंटल कालेज एंड
हास्पिटल, सीतापुर, जयपुर

(i) बैचलर ऑफ डेंटल सर्जरी
(यदि यह 23-10-2007 को अथवा इसके उपरान्त प्रदान की गई हो)

बी डी एस, राजस्थान यूनिवर्सिटी
ऑफ हेल्थ साइंसेज, जयपुर”

[सं. वी. 12017/3/2002-डी ई]

राज सिंह, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 26th June, 2008

S.O. 1840.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In part-I of the Schedule to the Dentists Act, 1948, after Serial No. 71, the entries relating thereto, the following serial number and entries shall be inserted namely :—

“72. Rajasthan University
of Health Sciences, Jaipur

I. Surendra Dental College &
Research Institute, Sri Ganganagar,
Rajasthan

(i) Bachelor of Dental Surgery
(When granted on or after 19-9-2007)

BDS, Rajasthan University
of Health Sciences, Jaipur

II. Rajasthan Dental College &
Hospital, Jaipur

(i) Bachelor of Dental Surgery
(When granted on or after 23-10-2007)

BDS, Rajasthan University
of Health Sciences, Jaipur

III. Mahatma Gandhi Dental College &
Hospital, Sitapur, Jaipur

(i) Bachelor of Dental Surgery
(When granted on or after 23-10-2007)

BDS, Rajasthan University
of Health Sciences, Jaipur.”

[No. V-12017/03/2002-DE]

RAJ SINGH, Under Secy.

नई दिल्ली, 26 जून, 2008

का.आ. 1841.—केन्द्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है ; अर्थात् :

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में हिमाचल प्रदेश विश्वविद्यालय, शिमला द्वारा प्रदत्त दंत चिकित्सक अहला को मान्यता देने के सम्बन्ध में हिमाचल इंस्टीट्यूट ऑफ डैंटल साइंसेज, पांवटा साहिब, सिरमौर, हिमाचल प्रदेश के सम्बन्ध में क्रम सं. 52 के सामने स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों के अंतर्गत निम्नलिखित प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

“V. हिमाचल इंस्टीट्यूट ऑफ डैंटल साइंसेज,
पांवटा साहिब, सिरमौर, हिमाचल प्रदेश

(i) डैंटलर ऑफ डैंटल सर्जरी
(यदि यह 15-09-2007 को अथवा इसके
उपरान्त प्रदान की गई हो)

बी.डी.एस, हिमाचल प्रदेश¹
विश्वविद्यालय, शिमला”

[सं. वी. 12017/6/2001-डी ई]

राज सिंह, अवर सचिव

New Delhi, the 26th June, 2008

S.O. 1841.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

4. In the existing entries of column 2 & 3 against Serial No. 52, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by Himachal Pradesh University, Shimla, the following entries in respect of Himachal Institute of Dental Sciences, Paonta Sahib Sirmour, Himachal Pradesh shall be inserted thereunder :—

“V. Himachal Institute of Dental Sciences,
Paonta Sahib Sirmour, Himachal Pradesh

(i) Bachelor of Dental Surgery
(When granted on or after 15-09-2007).

BDS, Himachal Pradesh
University, Shimla.”

[No. V-12017/6/2001-DE]

RAJ SINGH, Under Secy.

नई दिल्ली, 10 जुलाई, 2008

का.आ. 1842.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) शीर्षक “मान्यताप्राप्त चिकित्सा अहता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “शेर-ए-कश्मीर इंस्टीट्यूट ऑफ मेडिकल साइंसेज (सम विश्वविद्यालय)” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’

(इसके पश्चात् सत्त्वम् (3) के रूप में संदर्भित) के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2

“डॉक्टर ऑफ मेडिसिन (विकृति विज्ञान)”—

3

एम.डी. (विकृति विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह शेर-ए-कश्मीर इंस्टीचूट ऑफ मेडिकल साइंसेज, (सम विश्वविद्यालय) द्वारा शेर-ए-कश्मीर इंस्टीचूट ऑफ मेडिकल साइंसेज, श्रीनगर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 2004 में अथवा उसके बाद प्रदान की गई हो ।)

(ख) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् सत्त्वम् (2) के रूप में उल्लिखित] के अन्तर्गत “जम्मू विश्वविद्यालय) के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् सत्त्वम् (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2

“डॉक्टर ऑफ मेडिसिन (संज्ञाहरण)”—

3

एम.डी. (संज्ञाहरण)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह जम्मू विश्वविद्यालय द्वारा आचार्य श्री चंद्र कालेज ऑफ मेडिकल साइंसेज, जम्मू में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.डी. (विकृति विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह जम्मू विश्वविद्यालय द्वारा आचार्य श्री चंद्र कालेज ऑफ मेडिकल साइंसेज, जम्मू में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.एस. (सामान्य सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह जम्मू विश्वविद्यालय द्वारा आचार्य श्री चंद्र कालेज ऑफ मेडिकल साइंसेज, जम्मू में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.डी. (सामान्य चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह जम्मू विश्वविद्यालय द्वारा आचार्य श्री चंद्र कालेज ऑफ मेडिकल साइंसेज, जम्मू में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.डी. (एस.पी.एम/सामुदायिक चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह जम्मू विश्वविद्यालय द्वारा सरकारी मेडिकल कालेज, जम्मू में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1995 में अथवा उसके बाद प्रदान की गई हो ।)

एम.डी. (डी.बी.एल.)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह जम्मू विश्वविद्यालय द्वारा सरकारी मेडिकल कालेज, जम्मू में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 2005 में अथवा उसके बाद प्रदान की गई हो ।)

(ग) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “पंजाब विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2

3

“डॉक्टर आफ मेडिसिन (प्रसूति एवं स्त्री रोग विज्ञान) ”

एम.डी. (ओ बी जी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पंजाब विश्वविद्यालय द्वारा सकारी मेडिकल कालेज, चंडीगढ़ में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“मास्टर आफ सर्जरी (शरीर रचना विज्ञान) ”

एम.एस. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पंजाब विश्वविद्यालय द्वारा दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1981 में अथवा उसके बाद प्रदान की गई हो ।)

“डॉक्टर आफ मेडिसिन (शरीर रचना विज्ञान) ”

एम.डी. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पंजाब विश्वविद्यालय द्वारा दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1981 में अथवा उसके बाद प्रदान की गई हो ।)

“डॉक्टर आफ मेडिसिन (भेषज विज्ञान) ”

एम.डी. (भेषज विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पंजाब विश्वविद्यालय द्वारा दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1980 में अथवा उसके बाद प्रदान की गई हो ।)

(घ) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “बाबा फरीद यूनिवर्सिटी आफ हैल्थ साइंसेज” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2

3

“मास्टर आफ सर्जरी (शरीर रचना विज्ञान) ”

एम.एस. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बाबा फरीद यूनिवर्सिटी आफ हैल्थ साइंसेज द्वारा दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1981 में अथवा उसके बाद प्रदान की गई हो ।)

“डॉक्टर आफ मेडिसिन (शरीर रचना विज्ञान) ”

एम.डी. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बाबा फरीद यूनिवर्सिटी आफ हैल्थ साइंसेज द्वारा दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1981 में अथवा उसके बाद प्रदान की गई हो ।)

“डॉक्टर आफ मेडिसिन (भेषज विज्ञान) ”

एम.डी. (भेषज विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बाबा फरीद यूनिवर्सिटी आफ हैल्थ साइंसेज द्वारा दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1980 में अथवा उसके बाद प्रदान की गई हो ।)

(ङ.) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में 'उल्लिखित'] के अन्तर्गत "दिल्ली विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2

3

"डॉक्टर आफ मेडिसिन (मनश्चिकित्सा)"

एम.डी. (मनश्चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दिल्ली विश्वविद्यालय द्वारा भानव व्यवहार एवं सम्बद्ध विज्ञान संस्थान, दिल्ली में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में अप्रैल 2007 में अथवा उसके बाद प्रदान की गई हो ।)

"डॉक्टर आफ मेडिसिन (प्रसूति विज्ञान एवं स्त्री रोग विज्ञान)"

एम.डी. (ओ.बी.जी.)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दिल्ली विश्वविद्यालय द्वारा सफदरजंग अस्पताल, नई दिल्ली में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1965 में अथवा उसके बाद प्रदान की गई हो ।)

"प्रसूति विज्ञान एवं स्त्री रोग विज्ञान में डिप्लोमा"

डी.जी.ओ

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दिल्ली विश्वविद्यालय द्वारा सफदरजंग अस्पताल, नई दिल्ली में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1964 में अथवा उसके बाद प्रदान की गई हो ।)

(च) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में 'उल्लिखित'] के अन्तर्गत "पटना विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"डॉक्टर आफ मेडिसिन (एस पी एम/सामुदायिक चिकित्सा)"

एम.डी. (एस.पी.एम/सामुदायिक चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पटना विश्वविद्यालय द्वारा पटना मेडिकल कालेज, पटना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1960 में अथवा उसके बाद प्रदान की गई हो ।)

"डॉक्टर आफ मेडिसिन (सूक्ष्म जीव विज्ञान)"

एम.डी. (सूक्ष्म जीव विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पटना विश्वविद्यालय द्वारा पटना मेडिकल कालेज, पटना में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 2003 में अथवा उसके बाद प्रदान की गई हो ।)

(छ) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में 'उल्लिखित'] के अन्तर्गत "चौधरी चरण सिंह विश्वविद्यालय, मेरठ" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"डॉक्टर आफ मेडिसिन (बाल चिकित्सा)"

एम.डी. (बाल चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह चौधरी चरण सिंह विश्वविद्यालय द्वारा संतोष मेडिकल कालेज, गाजियाबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(ज) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “संजय गांधी पोस्टग्रेजुएट इंस्टीच्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय), लखनऊ” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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“मजिस्ट्रार चिरुरगिए (एंडोक्रिन सर्जरी) ”

एम.सी.एच. (एंडोक्रिन सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह संजय गांधी पोस्टग्रेजुएट इंस्टीच्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय), लखनऊ द्वारा संजय गांधी पोस्टग्रेजुएट इंस्टीच्यूट आफ मेडिकल साइंसेज, लखनऊ में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(ज) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “बनारस हिन्दू विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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“डाक्टर आफ मेडिसिन (वृक्क विज्ञान) ”

डी एम (वृक्क विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बनारस हिन्दू विश्वविद्यालय द्वारा इंस्टीच्यूट आफ मेडिकल साइंसेज, बाराणसी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1981 में अथवा उसके बाद प्रदान की गई हो ।)

(ज) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “किंग जार्ज मेडिकल यूनिवर्सिटी, लखनऊ” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

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“मजिस्ट्रार चिरुरगिए (बाल शास्त्र चिकित्सा) ”

एम सी एच (बाल शास्त्र चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह किंग जार्ज मेडिकल यूनिवर्सिटी, लखनऊ द्वारा किंग जार्ज मेडिकल यूनिवर्सिटी, लखनऊ में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में फरवरी, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(ट) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “सरदार पटेल विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

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3

“क्लीनिकल पैथेलॉजी में डिप्लोमा”

डी सी पी

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह सरदार पटेल विश्वविद्यालय द्वारा प्रमुखस्वामी मेडिकल कालेज, करमसाड में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“रतिज रोग विज्ञान एवं त्वचा रोग विज्ञान में डिप्लोमा”

डी बी डी

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह सरदार पटेल विश्वविद्यालय द्वारा प्रमुखस्वामी मेडिकल कालेज, करमसाड में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ रोग में डिप्लोमा”

डी डी बी एल

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह सरदार पटेल विश्वविद्यालय द्वारा प्रमुखस्वामी मेडिकल कालेज, करमसाड में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(३) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत "मणिपुर विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2	3
"डॉक्टर आफ मेडिसिन (त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ रोग)"	एम डी (डी पी एल) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मणिपुर विश्वविद्यालय द्वारा क्षेत्रीय चिकित्सा विज्ञान संस्थान, इम्फाल में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(४) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत "असम विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2	3
"डॉक्टर आफ मेडिसिन (मनश्चिकित्सा)"	एम डी (मनश्चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह असम विश्वविद्यालय द्वारा सिल्वर मेडिकल कालेज, सिल्वर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 2001 में अथवा उसके बाद प्रदान की गई हो ।)
"मनोविज्ञान चिकित्सा में डिप्लोमा"	डी पी एम (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह असम विश्वविद्यालय द्वारा सिल्वर मेडिकल कालेज, सिल्वर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 2000 में अथवा उसके बाद प्रदान की गई हो ।)

(५) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत "पं. रविशंकर शुक्ला विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2	3
"मास्टर आफ सर्जरी (ई एन टी)"	एम एस (ई एन टी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पं. रविशंकर शुक्ला विश्वविद्यालय द्वारा पं. जे. एन.एम. मेडिकल कालेज, रायपुर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1976 में अथवा उसके बाद प्रदान की गई हो ।)

(६) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत "राजस्थान यूनिवर्सिटी आफ हैल्थ साइंसेज, जयपुर" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

2	3
"मास्टर आफ सर्जरी (सामान्य सर्जरी)"	एम एस (सामान्य सर्जरी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजस्थान यूनिवर्सिटी आफ हैल्थ साइंसेज, जयपुर द्वारा सरकारी मेडिकल कालेज, कोटा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 2007 में अथवा उसके बाद प्रदान की गई हो ।)
"डॉक्टर आफ मेडिसिन (मनश्चिकित्सा)"	एम डी (मनश्चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजस्थान यूनिवर्सिटी आफ हैल्थ साइंसेज, जयपुर द्वारा सरकारी मेडिकल कालेज, कोटा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में जून 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(त) शीर्षक “भान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में उल्लिखित] के अन्तर्गत “उत्कल यूनिवर्सिटी” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

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“डॉक्टर आफ मेडिसिन (हृदय रोग विज्ञान) ”

डॉ एम (कॉर्डियोलाजी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह उत्कल यूनिवर्सिटी द्वारा एस.सी.बी. मेडिकल कालेज, कटक में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1988 में अथवा उसके बाद प्रदान की गई हो ।)

[सं. यू-12012/22/2008-एम.इ. (नीति-II) खंड. IV]

एन. बारिक, अवर सचिव

New Delhi, the 10th July, 2008

S.O. 1842.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule —

(a) against “Sher-I-Kashmir Institute of Medical Sciences (Deemed University)”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Pathology)”	MD (Pathology) [This shall be a recognized medical qualification when granted by Shier-I-Kashmir Institute of Medical Sciences (Deemed University) in respect of students being trained at Sher-I-Kashmir Institute of Medical Sciences, Srinagar on or after 2004]

(b)	against “Jammu University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—
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(2)	(3)
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia) (This shall be a recognized medical qualification when granted by Jammu University in respect of students being trained at Acharya Sri Chander College of Medical Sciences, Jammu on or after May, 2007)
“Doctor of Medicine (Pathology)”	MD (Pathology) (This shall be a recognized medical qualification when granted by Jammu University in respect of students being trained at Acharya Sri Chander College of Medical Sciences, Jammu on or after May, 2007)
“Master of Surgery (General Surgery)”	MD (General Surgery) (This shall be a recognized medical qualification when granted by Jammu University in respect of students being trained at Acharya Sri Chander College of Medical Sciences, Jammu on or after May, 2007)

(2)	(3)
“Doctor of Medicine (General Medicine)”	MD (General Medicine) (This shall be a recognized medical qualification when granted by Jammu University in respect of students being trained at Acharya Sri Chander College of Medical Sciences, Jammu on or after May, 2007)
“Doctor of Medicine (SPM/Community Medicine)”	MD (General Medicine) (This shall be a recognized medical qualification when granted by Jammu University in respect of students being trained at Government Medical College, Jammu on or after 1995)
“Doctor of Medicine (Dermatology, Venerology & Leprosy)”	MD(DVL) (This shall be a recognized medical qualification when granted by Jammu University in respect of students being trained at Government Medical College, Jammu on or after 2005)

(c) against “Punjab University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Obstetrics & Gynaecology)”	MD(OBG) (This shall be a recognized medical qualification when granted by Punjab University in respect of students being trained at Government Medical College, Chandigarh on or after April, 2007)
“Master of Surgery (Anatomy)”	MS (Anatomy) (This shall be a recognized medical qualification when granted by Punjab University in respect of students being trained at Dayanand Medical College, Ludhiana on or after 1981)
“Doctor of Medicine (Anatomy)”	MD (Anatomy) (This shall be a recognized medical qualification when granted by Punjab University in respect of students being trained at Dayanand Medical College, Ludhiana on or after 1981)
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Punjab University in respect of students being trained at Dayanand Medical College, Ludhiana on or after 1980)

(d) against “Baba Farid University of Health Sciences”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Master of Surgery (Anatomy)”	MS (Anatomy) (This shall be a recognized medical qualification when granted by Baba Farid University of Health Sciences in respect of students being trained at Dayanand Medical College, Ludhiana on or after 1981)

(2)	(3)
“Doctor of Medicine (Anatomy)”	MD (Anatomy) (This shall be a recognized medical qualification when granted by Baba Farid University of Health Sciences in respect of students being trained at Dayanand Medical College, Ludhiana on or after 1981)
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Baba Farid University of Health Sciences in respect of students being trained at Dayanand Medical College, Ludhiana on or after 1980)
(e) against “Delhi University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
(2)	(3)
“Doctor of Medicine (Psychiatry)”	MD (Psychiatry) (This shall be a recognized medical qualification when granted by Delhi University in respect of students being trained at Institute of Human Behaviour and Allied Sciences, Delhi on or after April, 2007)
“Doctor of Medicine (Obstetrics & Gynaecology)”	MD (OBG) (This shall be a recognized medical qualification when granted by Delhi University in respect of students being trained at Safdarjung Hospital, New-Delhi on or after 1965)
“Diploma in Gynaecology & Obstetrics”	D.G.O. (This shall be a recognized medical qualification when granted by Delhi University in respect of students being trained at Safdarjung Hospital, New Delhi on or after 1964)
(f) against “Patna University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
(2)	(3)
“Doctor of Medicine (Community Medicine/ SPM)”	MD (Community Medicine/ SPM) (This shall be a recognized medical qualification when granted by Patna University in respect of students being trained at Patna Medical College, Patna on or after 1960)
“Doctor of Medicine (Microbiology)”	MD (Microbiology) (This shall be a recognized medical qualification when granted by Patna University in respect of students being trained at Patna Medical College, Patna on or after 2003)
(g) against “Ch. Charan Singh University, Meerut”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
(2)	(3)
“Doctor of Medicine (Paediatrics)”	MD (Paediatrics) (This shall be a recognized medical qualification when granted by Ch. Charan Singh University in respect of students being trained at Santosh Medical College, Ghaziabad on or after June, 2007)

(h) against "Sanjay Gandhi Postgraduate Instt. of Medical Sciences (Deemed University), Lucknow", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Magistrar Chirurgiae (Endocrine Surgery)"	M.Ch (Endocrine Surgery) [This shall be a recognized medical qualification when granted by Sanjay Gandhi Postgraduate Instt. of Medical Sciences (Deemed University), Lucknow in respect of students being trained at Sanjay Gandhi Postgraduate Instt. of Medical Sciences, Lucknow on or after May, 2007]

(i)	against "Banaras Hindu University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—
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(2)	(3)
"Doctor of Medicine (Nephrology)"	DM (Nephrology) [This shall be a recognized medical qualification when granted by Banaras Hindu University in respect of students being trained at Institute of Medical Sciences, Varanasi on or after 1981]

(j)	against "King George's Medical University, Lucknow", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—
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(2)	(3)
"Magistrar Chirurgiae (Paediatrics Surgery)"	M.Ch (Paediatrics Surgery) [This shall be a recognized medical qualification when granted by King George's Medical University, Lucknow in respect of students being trained at King George's Medical University, Lucknow on or after February, 2007]

(k)	against "Sardar Patel University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—
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(2)	(3)
"Diploma in Clinical Pathology"	DCP [This shall be a recognized medical qualification when granted by Sardar Patel University in respect of students being trained at Pramukhswami Medical College, Karamsad on or after April, 2007]
"Diploma in Venerology & Dermatology"	DVD [This shall be a recognized medical qualification when granted by Sardar Patel University in respect of students being trained at Pramukhswami Medical College, Karamsad on or after April, 2007]
"Diploma in Dermatology, Venerology & Leprosy"	DDVL [This shall be a recognized medical qualification when granted by Sardar Patel University in respect of students being trained at Pramukhswami Medical College, Kota on or after April, 2007]

(l) against "Manipur University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Dermatology, Venerology & Leprosy)"	MD(DVL) (This shall be a recognized medical qualification when granted by Manipur University in respect of students being trained at Regional Institute of Medical Sciences, Imphal on or after April, 2007)

(m) against "Assam University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Psychiatry)"	MD (Psychiatry) (This shall be a recognized medical qualification when granted by Assam University in respect of students being trained at Silchar Medical College, Silchar on or after 2001)
"Diploma in Psychological Medicine"	DPM (This shall be a recognized medical qualification when granted by Assam University in respect of students being trained at Silchar Medical College, Silchar on or after 2000)

(n) against "Pt. Ravishankar Shukla University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (ENT)"	MS(ENT) (This shall be a recognized medical qualification when granted by Pt. Ravishankar Shukla University in respect of students being trained at Pt. J.N.M. Medical College, Raipur on or after 1976)

(o) against "Rajasthan University of Health Sciences, Jaipur", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (General Surgery)"	MS (General Surgery) (This shall be a recognized medical qualification when granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at Govt. Medical College, Kota on or after 2007)
"Doctor of Medicine (Psychiatry)"	MD (Psychiatry) (This shall be a recognized medical qualification when granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at Govt. Medical College, Kota on or after June, 2007)

(p) against "Utkal University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

"Doctor of Medicine (Cardiology)"**DM (Cardiology)**

(This shall be a recognized medical qualification when granted by Utkal University in respect of students being trained at S.C.B. Medical College, Cuttack on or after 1988)

[No. U. 12012/22/2008-ME(P-II)/Vol.IV]

N. BARIK, Under Secy.

नई दिल्ली, 10 जुलाई, 2008

का.आ. 1843.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) "प्रवार आयुर्विज्ञान संस्थान (सम विश्वविद्यालय)" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के शीर्षक के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रत्येक के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"संवेदनाहरण विज्ञान में डिप्लोमा"**डी.ए.**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह प्रवार आयुर्विज्ञान संस्थान (सम विश्वविद्यालय), लोनी द्वारा ग्रामीण मेडिकल कालेज, लोनी, महाराष्ट्र में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जुलाई 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(ख) "डा. डी.वाई.पाटिल विश्वविद्यालय, पिम्परी, पुणे" के सामने मान्यताप्राप्त चिकित्सा अर्हता' [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के शीर्षक के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"डॉक्टर आफ मेडिसिन (विकिरण निदान)"**एम.डी. (विकिरण निदान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई. पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जून, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

"मास्टर ऑफ सर्जरी (शरीर रचना विज्ञान)"**एम.एस. (शरीर रचना विज्ञान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई. पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जून, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

"मास्टर ऑफ मेडिसिन (शरीर रचना विज्ञान)"**एम.डी. (विकिरण निदान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई. पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जून 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“मनोवैज्ञानिक चिकित्सा में डिप्लोमा”

डी.पी.एम.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“क्षयरोग एवं वक्ष रोगों में डिप्लोमा”

डी.टी.सी.डी.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जून, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“डॉक्टर आफ मेडिसिन (त्वचा एवं रतिज रोग/त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ)”

एम.डी. (त्वचा एवं रतिज रोग/त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जून, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“मास्टर आफ सर्जरी (सामान्य शल्य चिकित्सा)”

एम.एस. (सामान्य शल्य चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जून, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“डॉक्टर आफ मेडिसिन (सूक्ष्म जीव विज्ञान)”

एम.डी. (सूक्ष्म जीव विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डॉ. डी. वाई पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, द्वारा जून 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(ग) “डॉ. डी. वाई. पाटिल विश्वविद्यालय, नवी मुंबई” के सामने “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :-

“मनोवैज्ञानिक चिकित्सा में डिप्लोमा”

डी.पी.एम.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, द्वारा डॉ. डी. वाई पाटिल मेडिकल कालेज अस्पताल एवं अनुसंधान केन्द्र, नवी मुंबई के सम्बन्ध में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, जून 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ में डिप्लोमा”

डी.टी.बी.एल.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डॉ. डी. वाई. पाटिल विश्वविद्यालय, द्वारा डॉ. डी. वाई पाटिल मेडिकल कालेज अस्पताल एवं अनुसंधान केन्द्र, नवी मुंबई के सम्बन्ध में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में, जून 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(घ) "मराठवाड़ा विश्वविद्यालय, डॉ. बाबासाहेब अम्बेडकर मराठवाड़ा विश्वविद्यालय" के सामने मान्यताप्राप्त चिकित्सा अईता [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"मास्टर ऑफ सर्जरी(सामान्य शल्य चिकित्सा)"	एम.एस.(सामान्य शल्य चिकित्सा)
	(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह मराठवाड़ा विश्वविद्यालय/डॉ. बाबासाहेब अम्बेडकर मराठवाड़ा विश्वविद्यालय द्वारा एस.आर.टी.आर. मेडिकल कालेज, अम्बाजोगाई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1982 में अथवा उसके बाद प्रदान की गई हो ।)
"मास्टर ऑफ सर्जरी(नेत्र रोग विज्ञान)"	एम.एस.(नेत्र रोग विज्ञान)
	(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह मराठवाड़ा विश्वविद्यालय/डॉ. बाबासाहेब अम्बेडकर मराठवाड़ा विश्वविद्यालय द्वारा एस.आर.टी.आर. मेडिकल कालेज अम्बाजोगाई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1981 में अथवा उसके बाद प्रदान की गई हो ।)
"नेत्र विज्ञान में डिप्लोमा/नेत्र चिकित्सा एवं शल्य चिकित्सा में डिप्लोमा"	डॉ.ओ./डी.ओ.एम.एस.
	(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह मराठवाड़ा विश्वविद्यालय/डॉ. बाबासाहेब अम्बेडकर मराठवाड़ा विश्वविद्यालय द्वारा एस.आर.टी.आर. मेडिकल कालेज अम्बाजोगाई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1982 में अथवा उसके बाद प्रदान की गई हो ।)
(ड) "महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय," के सामने मान्यताप्राप्त चिकित्सा अईता" [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—	
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"डॉक्टर ऑफ मेडिसिन(बाल रोग चिकित्सा)"	एम.डी.(बाल रोग चिकित्सा)
	(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा एमजीएम मेडिकल कालेज, नवी मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)
"बाल स्वास्थ्य में डिप्लोमा"	डी.सी.एच.
	(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा एमजीएम मेडिकल कालेज, नवी मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)
"डॉक्टर ऑफ मेडिसिन(विकृति विज्ञान)"	एम.डी.(विकृति विज्ञान)
	(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा एमजीएम मेडिकल कालेज, नवी मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

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“डाक्टर आफ मेडिसिन(त्वचा रोग विज्ञान/ त्वचा रोग विज्ञान, रतिजरोग विज्ञान एवं कुष्ठ) ”

एम.डी. (बाल रोग चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा इंस्टीट्यूट ऑफ नैवल मेडिसिन, अश्वनी, मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1976 में अथवा उसके बाद प्रदान की गई हो ।)

(च) “एमजीएम स्वास्थ्य विज्ञान विश्वविद्यालय,” के सामने “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘‘पंजीकरण के लिए संक्षेपण’’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :-

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“डाक्टर आफ मेडिसिन(बाल रोग चिकित्सा)”

एम.डी. (बाल रोग चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा एमजीएम मेडिकल कालेज नवी मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

“बाल स्वास्थ्य में डिप्लोमा”

डी.सी.एच.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा एमजीएम मेडिकल कालेज नवी मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(छ) “भारती विद्यापीठ विश्वविद्यालय” के सामने “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘‘पंजीकरण के लिए संक्षेपण’’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :-

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“अस्थिरोग में डिप्लोमा”

डी. आर्थो

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह भारती विद्यापीठ विश्वविद्यालय द्वारा भारती विद्यापीठ मेडिकल कालेज, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(ज) “बम्बई विश्वविद्यालय” के सामने मान्यताप्राप्त चिकित्सा अर्हता’ [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘‘पंजीकरण के लिए संक्षेपण’’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :-

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“डाक्टर आफ मेडिसिन (त्वचा रोग विज्ञान/ त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ रोग) ”

एम.डी. (डी.डी.वी.एल.)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बम्बई विश्वविद्यालय द्वारा इंस्टीट्यूट ऑफ नैवल मेडिसिन, अश्वनी, मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1976 में अथवा उसके बाद प्रदान की गई हो ।)

“मास्टर आफ सर्जरी (नेत्र विज्ञान) ”

एम.एस. (नेत्र विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बम्बई विश्वविद्यालय द्वारा इंस्टीट्यूट आफ नैवल मेडिसिन अश्वनी, मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1976 में अथवा उसके बाद प्रदान की गई हो ।)

(ज) "मुम्बई विश्वविद्यालय" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् सत्त्वम् (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् सत्त्वम् (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"डाक्टर आफ मेडिसिन (इत्यत्रा रोग विज्ञान/त्वचा रोग विज्ञान, एवं कुष्ठ रोग)"

"मास्टर आफ सर्जरी (नेत्र विज्ञान)"

"डाक्टर आफ मेडिसिन (विकृति विज्ञान)"

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एम.डी. (डी.डी.बी.एल.)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बम्बई विश्वविद्यालय द्वारा इंस्टीट्यूट ऑफ नैवल मेडिसिन, अशिवनी, मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1976 में अथवा उसके बाद प्रदान की गई हो ।)

एम.एस. (नेत्र विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बम्बई विश्वविद्यालय द्वारा इंस्टीट्यूट आफ नैवल मेडिसिन अशिवनी, मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1976 में अथवा उसके बाद प्रदान की गई हो ।)

एम.डी. (विकृति विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बम्बई विश्वविद्यालय द्वारा एम.जी.एम. मेडिकल कालेज, नवी मुम्बई में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

(ज) "दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज "सम विश्वविद्यालय" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् सत्त्वम् (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् सत्त्वम् (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"मास्टर आफ सर्जरी (शरीर रचना विज्ञान)"

"डाक्टर आफ मेडिसिन (शरीर रचना विज्ञान)"

"मास्टर आफ सर्जरी (ईएनटी)"

"लैंरिंगोलाजी एवं आटोलाजी में डिप्लोमा"

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एम.एस. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा जे.एल.एन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.डी. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा जे.एल.एन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.एस. (ईएनटी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा जे.एल.एन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

डी.एल.ओ.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा जे.एल.एन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

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"यतिजरोग विज्ञान एवं त्वचा रोग विज्ञान/त्वचा रोग विज्ञान, यतिजरोग विज्ञान एवं कुष्ठ रोग में डिप्लोमा"

"मास्टर आफ सर्जरी (संवेदनाहरण विज्ञान)"

"डॉक्टर आफ मेडिसिन (संवेदनाहरण विज्ञान)"

(ट) "आरटीएम नागपुर विश्वविद्यालय" के सामने "मान्यताप्राप्त चिकित्सा अईता" [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :—

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"मास्टर आफ सर्जरी (शरीर रचना विज्ञान)"

"डॉक्टर आफ मेडिसिन (शरीर रचना विज्ञान)"

"मास्टर आफ सर्जरी (ईएनटी)"

"लैंगिकोलाजी एवं आटोलाजी में डिप्लोमा"

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डी.बी.डी./डी.डी.वी.एल.

(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा जेएलएन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.एस.(संवेदनाहरण विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा जेएलएन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

एम.डी.(संवेदनाहरण विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह दत्ता मेघे इंस्टीट्यूट आफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा जेएलएन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो ।)

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एम.एस.(शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी.(शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.एस.(ईएनटी)

(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

डी.एल.ओ.

(यह एक मान्यताप्राप्त चिकित्सा अईता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

"रतिजरोग विज्ञान तथा त्वचा रोग विज्ञान/त्वचा रोग विज्ञान, रतिजरोग विज्ञान एवं कुष्ठ में डिप्लोमा"

"डाक्टर आफ मेडिसिन (शरीर क्रिया विज्ञान)"

"मास्टर आफ सर्जरी (संवेदनाहरण विज्ञान)"

"डाक्टर आफ मेडिसिन (संवेदनाहरण विज्ञान)"

"मनोवैज्ञानिक चिकित्सा में डिप्लोमा"

"मास्टर आफ सर्जरी (शरीर स्वचना विज्ञान)"

"डाक्टर आफ मेडिसिन (शरीर रचना विज्ञान)"

"डाक्टर आफ मेडिसिन (सूक्ष्मजीवविज्ञान)"

"डाक्टर आफ मेडिसिन (एसपीएम/सामुदायिक चिकित्सा)"

डी.बी.डी./डी.डी.बी.एल.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (शरीरक्रिया विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा एनकेपी साल्वे आयुर्विज्ञान संस्थान, नागपुर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.एस. (संवेदनाहरण विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (संवेदनाहरण विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

डी.पी.एम.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा महात्मा गांधी आयुर्विज्ञान संस्थान, सेवाप्राप्त, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.एस. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा एन के पी साल्वे आयुर्विज्ञान संस्थान, नागपुर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा एनकेपी साल्वे आयुर्विज्ञान संस्थान, नागपुर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (सूक्ष्मजीवविज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा एनकेपी साल्वे आयुर्विज्ञान संस्थान, नागपुर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (एसपीएम/सामुदायिक चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा एनकेपी साल्वे आयुर्विज्ञान संस्थान, नागपुर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

(र) “राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर” के सामने “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तम्भ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तम्भ (3) के रूप में संदर्भित] के अन्तर्गत उससे सम्बन्धित प्रविष्टि के बाद, निम्नलिखित जोड़ा, जाएगा, अर्थात् :-

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“रतिजरोग विज्ञान में डिप्लोमा/त्वचा रोग विज्ञान, रतिजरोग विज्ञान एवं कुष्ठ रोग में डिप्लोमा”

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डी.वी.डी./डी.डी.वी.एल.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा जेएसएस मेडिकल कालेज, मैसूर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (सूक्ष्मजीवविज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा श्री देवराज उर्स मेडिकल कालेज, कोलार में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (जैवरसायन)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा श्री देवराज उर्स मेडिकल कालेज, कोलार में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में जून, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (शरीरक्रियाविज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा एम. आर. मेडिकल कालेज, गुलबर्ग में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 2004 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (सूक्ष्मजीवविज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा एम. आर. मेडिकल कालेज, गुलबर्ग में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में 1995 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (बाल रोग चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा बाल स्वास्थ्य संस्थान में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.एस. (अस्थि रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा अल अमीन मेडिकल कालेज, बीजापुर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में जून, 2006 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.डी. (त्वचा एवं रतिज रोग/त्वचा रोग विज्ञान एवं कुष्ठ)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा गवर्नरमेंट मेडिकल कालेज, मैसूर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

“त्वचा रोग विज्ञान और रतिजरोग विज्ञान/त्वचा रोग विज्ञान, रतिजरोग विज्ञान एवं कृष्ण में डिप्लोमा”

“मास्टर आफ सर्जरी (नेत्र विज्ञान) ”

“मास्टर आफ सर्जरी (प्रसूति एवं स्त्रीरोग विज्ञान) ”

डी.वी.डी./डी.डी.एल.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा गवर्नर्मेंट मेडिकल कालेज, मैसूर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.एस. (नेत्र विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा कमांड अस्पताल, एथरफोर्स, बंगलौर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो ।)

एम.एस. (प्रसूति एवं स्त्रीरोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा केम्पेगौड़ आयुर्विज्ञान संस्थान, बंगलौर में प्रशिक्षण प्राप्त कर रहे छात्रों के सम्बन्ध में मई, 2006 में अथवा उसके पश्चात् प्रदान की गई हो ।)

[संख्या यू-12012/22/2008-एम.ई.(पी-II)/खण्ड 1]

एन. बारिक, अवर सचिव

New Delhi, the 10th July, 2008

S.O. 1843.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule —

(a) against “Pravara Institute of Medical Sciences (Deemed University)”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Diploma in Anaesthesiology”	D.A. (This shall be a recognized medical qualification when granted by Parvara Instt. of Medical Sciences (Deemed University) Loni in respect of students being trained at Rural Medical College, Loni (Maharashtra) on or after July, 2007)

(b) against “Dr. D. Y. Patil University, Pimpri, Pune”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Radio-diagnosis)”	MD (Radio-diagnosis) (This shall be a recognized medical qualification when granted by Dr. D. Y. Patil University, Pimpri, Pune in respect of students being trained at Dr. D. Y. Patil Medical College, Pimpri, Pune on or after June, 2007)

(2)	(3)
“Master of Surgery (Anatomy)”	MS (Anatomy)
“Doctor of Medicine (Anatomy)”	(This shall be a recognized medical qualification when granted by Dr. D. Y. Patil University, Pimpri, Pune in respect of students being trained at Dr. D. Y. Patil Medical College, Pimpri, Pune on or after June, 2007)
“Diploma of Psychological Medicine”	MD (Anatomy)
“Diploma in Tuberculosis & Chest Diseases”	(This shall be a recognized medical qualification when granted by Dr. D. Y. Patil University, Pimpri, Pune in respect of students being trained at Dr. D. Y. Patil Medical College, Pimpri, Pune on or after June, 2007)
“Doctor of Medicine (Skin & VD/ Dermatology Venerology & Leprosy)”	D.P.M.
“Master of Surgery (General Surgery)”	(This shall be a recognized medical qualification when granted by Dr. D. Y. Patil University, Pimpri, Pune in respect of students being trained at Dr. D. Y. Patil Medical College, Pimpri, Pune on or after May, 2007)
“Doctor of Medicine (Microbiology)”	D.T.C.D.
(d) against “Dr. D. Y. Patil University, Navi Mumbai”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	(This shall be a recognized medical qualification when granted by Dr. D. Y. Patil University, Pimpri, Pune in respect of students being trained at Dr. D. Y. Patil Medical College, Pimpri, Pune on or after June, 2007)
(2)	(3)
“Diploma in Psychological Medical”	MS (General Surgery)
“Diploma in Dermatology, Venerology & Leprosy)”	(This shall be a recognized medical qualification when granted by Dr. D. Y. Patil University, Navi Mumbai in respect of students being trained at Dr. D. Y. Patil Medical College, Hospital & Research Centre, Navi Mumbai on or after June, 2007)
(d) against “Marathwada University/Dr. Babasaheb Ambedkar Marathwada University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	D.P.M.
	(This shall be a recognized medical qualification when granted by Dr. D. Y. Patil University, Navi Mumbai in respect of students being trained at Dr. D. Y. Patil Medical College, Hospital & Research Centre, Navi Mumbai on or after June, 2007)

(2)	(3)
“Master of Surgery (General Surgery)”	MS (General Surgery) (This shall be a recognized medical qualification when granted by Marathwada University/Dr. Babasaheb Ambedkar Marathwada University in Respect of students being trained at SRTR Medical College, Ambajogai on or after 1982)
“Master of Surgery (Ophthalmology)”	MS (Ophthalmology) (This shall be a recognized medical qualification when granted by Marathwada University/Dr. Babasaheb Ambedkar Marathwada University in Respect of students being trained at SRTR Medical College, Ambajogai on or after 1981)
“Diploma in Ophthalmology/Diploma in Ophthalmic Medicine & Surgery”	D.O./D.O.M.S. (This shall be a recognized medical qualification when granted by Marathwada University/Dr. Babasaheb Ambedkar Marathwada University in Respect of students being trained at SRTR Medical College, Ambajogai on or after 1982)
(e) against “Maharashtra University of Health Sciences” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
“Doctor of Medicine (Paediatrics)”	MD (Paediatrics) (This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences in respect of students being trained at MGM Medical College, Navi Mumbai on or after May, 2007)
“Diploma in Child Health”	D.C.H. (This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences in respect of students being trained at MGM Medical College, Navi Mumbai on or after May, 2007)
“Doctor of Medicine (Pathology)”	MD (Pathology) (This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences in respect of students being trained at MGM Medical College, Navi Mumbai on or after May, 2007)
“Doctor of Medicine (Dermatology/ Dermatology, Venerology & Leprosy)”	MD (DDVL) (This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences in respect of students being trained at Instt. of Naval Medicine, Asvini, Mumbai on or after 1976)
(f) against “MGM University of Health Sciences” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
“Doctor of Medicine (Paediatrics)”	MD (Paediatrics) (This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences in respect of students being trained at MGM Medical College, Navi Mumbai on or after May, 2007)

(2)	(3)
"Diploma in Child Health"	D.C.H. (This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences in respect of students being trained at MGM Medical College, Navi Mumbai on or after May, 2007)
(g) against "Bharathi Vidyapeeth University" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
(2)	(3)
"Diploma in Orthopaedics"	D. Ortho. (This shall be a recognized medical qualification when granted by Bharati Vidyapeeth University in respect of students being trained at Bharati Vidyapeeth Medical College, Pune on or after June, 2007)
(h) against "Bombay University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
(2)	(3)
"Doctor of Medicine (Dermatology/ Dermatology, Venerology & Leprosy)	MD(DDVL) (This shall be a recognized medical qualification when granted by Bombay University in respect of students being trained at Instt. of Naval Medicine, Asvini, Mumbai on or after 1976)
"Master of Surgery (Ophthalmology)"	MS (Ophthalmology) (This shall be a recognized medical qualification when granted by Bombay University in respect of students being trained at Instt. of Naval Medicine, Asvini, Mumbai on or after 1976)
(i) against "Mumbai University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
(2)	(3)
"Doctor of Medicine (Dermatology/ Dermatology, Venerology & Leprosy)	MD(DDVL) (This shall be a recognized medical qualification when granted by Mumbai University in respect of students being trained at Instt. of Naval Medicine, Asvini, Mumbai on or after 1976)
"Master of Surgery (Ophthalmology)"	MS (Ophthalmology) (This shall be a recognized medical qualification when granted by Mumbai University in respect of students being trained at Instt. of Naval Medicine, Asvini, Mumbai on or after 1976)
"Doctor of medicine (Pathology)"	MD(Pathology) (This shall be a recognized medical qualification when granted by Mumbai University in respect of students being trained at MGM Medical College, Navi Mumbai on or after May, 2007)
(j) against "Datta Meghe Inst. of Medical Sciences (Deemed University)", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—	

(2)	(3)
“Master of Surgery (Anatomy)”	MS (Anatomy) (This shall be a recognized medical qualification when granted by Datta Meghe Instt. of Medical Sciences (Deemed University) in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
“Doctor of Medicine (Anatomy)”	MD (Anatomy) (This shall be a recognized medical qualification when granted by Datta Meghe Instt. of Medical Sciences (Deemed University) in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
“Master of Surgery (ENT)”	MS (ENT) (This shall be a recognized medical qualification when granted by Datta Meghe Instt. of Medical Sciences (Deemed University) in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
“Diploma in Laryngology & Otology”	D.L.O. (This shall be a recognized medical qualification when granted by Datta Meghe Instt. of Medical Sciences (Deemed University) in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
“Diploma in Venerology & Dermatology/ Dermatology, Venerology & Leprosy”	D.V.D./D.D.V.L. (This shall be a recognized medical qualification when granted by Datta Meghe Instt. of Medical Sciences (Deemed University) in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
“Master of Surgery (Anaesthesia)”	MS (Anaesthesia) (This shall be a recognized medical qualification when granted by Datta Meghe Instt. of Medical Sciences (Deemed University) in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia) (This shall be a recognized medical qualification when granted by Datta Meghe Instt. of Medical Sciences (Deemed University) in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
(k) against “RTM Nagpur University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	

(2)	(3)
“Master of Surgery (Anatomy)”	MS (Anatomy) (This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
“Doctor of Medicine (Anatomy)”	MD (Anatomy) (This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)

(2)	(3)
"Master of Surgery (ENT)"	MS (ENT)
	(This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
"Diploma in Laryngology & Otology"	D.L.O.
	(This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
"Diploma in Venerology & Dermatology/ Dermatology, Venerology & Leprosy"	D.V.D/D.D.V.L.
	(This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
"Doctor of Medicine (Physiology)"	MD (Physiology)
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
"Master of Surgery (Anaesthesia)"	MS (Anaesthesia)
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
"Doctor of Medicine (Anaesthesia)"	MD (Anaesthesia)
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at JLN Medical College, Swangi, Wardha on or after May, 2007)
"Diploma in Psychological Medicine"	D.P.M.
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at Mahatma Gandhi Instt. of Medical Sciences, Sewagram, Wardha on or after May, 2007)
"Master of Surgery (Anatomy)"	MS (Anatomy)
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at NKP Salve Instt. of Medical Sciences, Nagpur on or after May, 2007)
"Doctor of Medicine (Anatomy)"	MD (Anatomy)
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at NKP Salve Instt. of Medical Sciences, Nagpur on or after May, 2007)
"Doctor of Medicine (Microbiology)"	MD (Microbiology)
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at NKP Salve Instt. of Medical Sciences, Nagpur on or after May, 2007)
"Doctor of Medicine (SPM/Community Medicine)"	MD (SPM/Community Medicine)
	(This shall be a recognized medical qualification when granted by RTM University in respect of students being trained at NKP Salve Instt. of Medical Sciences, Nagpur on or after April, 2007)

(i) against "Rajiv Gandhi University of Health Sciences, Bangalore", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Diploma in Venereal Diseases/Diploma in Dermatology, Venereology & Leprosy"	DVD/DDVL (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at JSS Medical College, Mysore on or after May, 2007)
"Doctor of Medicine (Microbiology)"	MD (Microbiology) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Sri Devraj Urs Medical College, Kolar on or after May, 2007)
"Doctor of Medicine (Biochemistry)"	MD (Biochemistry) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Sri Devraj Urs Medical College, Kolar on or after June, 2007)
"Doctor of Medicine (Physiology)"	MD (Physiology) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M. R. Medical College, Gulberga on or after 2004)
"Doctor of Medicine (Microbiology)"	MD (Microbiology) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M. R. Medical College, Gulberga on or after 1995)
"Master of Medicine (Paediatrics)"	MD (Paediatrics) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Indira Gandhi Instt. of Child Health, Bangalore on or after May, 2007)
"Master of Surgery (Orthopaedics)"	MS (Orthopaedics) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Al-Ameen Medical College, Bijapur on or after June, 2006)
"Doctor of Medicine (Skin & Venereal Disease/Dermatology & Leprosy)"	MD (Skin & VD/Dermatology & Leprosy) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Government Medical College, Mysore on or after May, 2007)
"Master of Surgery (Ophthalmology)"	MS (Ophthalmology) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Command Hospital, Airforce, Bangalore on or after May, 2007)

[No. U.-12012/22/2008-ME(P-II)/Vol. I]

N. BARIK, Under Secy.

नई दिल्ली, 11 जुलाई, 2008

का.आ. 1844.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात्:-

उक्त अनुसूची में -

(क) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “अन्नामलाई विश्वविद्यालय” के सामने, अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
“डॉक्टर आफ मेडिसिन (भौतिक चिकित्सा एवं पुनर्जागरण) ”	एम. डी. (पीएमआर) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह अन्नामलाई विश्वविद्यालय द्वारा राजाह मुथैया मेडिकल कालेज, अन्नामलाई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ख) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “भारतीदासन विश्वविद्यालय” के सामने, अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
“मजिस्ट्रार चिरुरगिए (प्लास्टिक सर्जरी) ”	एम. सीएच. (प्लास्टिक सर्जरी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह भारतीदासन विश्वविद्यालय द्वारा तंजावुर मेडिकल कालेज, तंजावुर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ग) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “मद्रास विश्वविद्यालय” के सामने, अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
“मजिस्ट्रार चिरुरगिए (प्लास्टिक सर्जरी) ”	एम. सीएच. (प्लास्टिक सर्जरी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय द्वारा तंजावुर मेडिकल कालेज, तंजावुर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके पश्चात् प्रदान की गई हो)।
“मास्टर आफ सर्जरी (शरीर रचना विज्ञान) ”	एमएस (शरीर रचना विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय द्वारा क्रिंच्यन मेडिकल कालेज, वेल्लूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1966 में अथवा उसके पश्चात् प्रदान की गई हो)।
“डायबेटोलोजी में डिप्लोमा”	डायबेटोलोजी में डिप्लोमा (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय द्वारा चेन्नई मेडिकल कालेज, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1987 में अथवा उसके पश्चात् प्रदान की गई हो)।

(2)	(3)
"संवेदनाहरण में डिप्लोमा"	डॉ. ए. एम. डॉ. (विकृति विज्ञान)
"डाक्टर आफ मेडिसिन (विकृति विज्ञान)"	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय द्वारा डा. एएलएम पोस्ट ग्रेजुएट इंस्टीट्यूट ऑफ मेडिकल साइंसेज, तारामनी, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई 1982 में अथवा उसके पश्चात् प्रदान की गई हो)।
"नैदानिक विकृतिविज्ञान में डिप्लोमा"	डॉसीपी
	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय द्वारा डा. एएलएम पोस्ट ग्रेजुएट इंस्टीट्यूट ऑफ मेडिकल साइंसेज, तारामनी, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई 1983 में अथवा उसके पश्चात् प्रदान की गई हो)।
(घ) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "डा. एमजीआर मेडिकल विश्वविद्यालय" के सामने, अतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :	
(2)	(3)
"मजिस्ट्रार चिरुरगिए (प्लास्टिक सर्जरी)"	एम. सीएच. (प्लास्टिक सर्जरी)
"मास्टर आफ सर्जरी (शरीर रचना विज्ञान)"	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा तंजावुर मेडिकल कालेज, तंजावुर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके पश्चात् प्रदान की गई हो)।
"डायबेटोलोजी में डिप्लोमा"	एम. एस. (शरीर रचना विज्ञान)
"डाक्टर आफ मेडिसिन (सूक्ष्मजीव विज्ञान)"	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा क्रिएश्चयन मेडिकल कालेज, वेल्लूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1966 में अथवा उसके पश्चात् प्रदान की गई हो)।
"डाक्टर आफ मेडिसिन (त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ रोग)"	डायबेटोलोजी में डिप्लोमा
"त्वचा रोग विज्ञान, रतिज रोग विज्ञान एवं कुष्ठ रोग में डिप्लोमा"	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा मदुरई मेडिकल कालेज, मदुरई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1987 में अथवा उसके पश्चात् प्रदान की गई हो)।
	एम. डी. (सूक्ष्मजीव विज्ञान)
	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा मदुरई मेडिकल कालेज, मदुरई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1976 में अथवा उसके पश्चात् प्रदान की गई हो)।
	एम. डी. (डीवीएल)
	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा मदुरई मेडिकल कालेज, मदुरई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1979 में अथवा उसके पश्चात् प्रदान की गई हो)।
	डीडीवीएल
	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा मदुरई मेडिकल कालेज, मदुरई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1979 में अथवा उसके पश्चात् प्रदान की गई हो)।

(2)

(3)

"डाक्टर आफ मेडिसिन (जैव-रसायन)"

एम. डी. (जैव-रसायन)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा स्टेनले मेडिकल कालेज, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 2006 में अथवा उसके पश्चात् प्रदान की गई हो)।

"मास्टर आफ सर्जरी (ईएनटी)"

एम. एस. (ईएनटी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा स्टेनले मेडिकल कालेज, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

"मजिस्ट्रार चिरुरगिए (सर्जिकल गेस्ट्रोएन्ट्रोलॉजी)"

एम. सीएच. (सर्जिकल गेस्ट्रोएन्ट्रोलॉजी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा स्टेनले मेडिकल कालेज, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 2006 में अथवा उसके पश्चात् प्रदान की गई हो)।

"डाक्टर आफ मेडिसिन
(प्रसूति एवं स्त्री रोग विज्ञान)"

एम. डी. (प्रसूति एवं स्त्री रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा कोयम्बटूर मेडिकल कालेज, कोयम्बटूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 2002 में अथवा उसके पश्चात् प्रदान की गई हो)।

"संज्ञाहरण विज्ञान में डिप्लोमा"

डी. ए.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. एमजीआर मेडिकल विश्वविद्यालय द्वारा कोयम्बटूर मेडिकल कालेज, कोयम्बटूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके पश्चात् प्रदान की गई हो)।

(इ.) शीर्षक मान्यताप्राप्त चिकित्सा अर्हता "[इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "मदुरई विश्वविद्यालय" के सामने, अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)

(3)

"डाक्टर आफ मेडिसिन (सूक्ष्मजीव विज्ञान)"

एम. डी. (सूक्ष्मजीव विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मदुरई विश्वविद्यालय द्वारा मदुरई मेडिकल कालेज, मदुरई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1976 में अथवा उसके पश्चात् प्रदान की गई हो)।

(घ.) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "मदुरई (कामराज विश्वविद्यालय" के सामने, अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)

(3)

"डाक्टर आफ मेडिसिन (सूक्ष्मजीव विज्ञान)"

एम. डी. (सूक्ष्मजीव विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मदुरई कामराज विश्वविद्यालय द्वारा मदुरई मेडिकल कालेज, मदुरई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1976 में अथवा उसके पश्चात् प्रदान की गई हो)।

(छ) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "श्री रामचंद्र विश्वविद्यालय" के सामने, अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
"डाक्टर आफ मेडिसिन (मेडिकल गेस्ट्रोएन्ट्रोलॉजी)"	डॉ. एम. (मेडिकल गेस्ट्रोएन्ट्रोलॉजी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री रामचंद्र विश्वविद्यालय द्वारा श्री रामचंद्र मेडिकल कालेज एंड रिसर्च इंस्टीट्यूट, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अप्रैल, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।
"भौतिक चिकित्सा में डिप्लोमा"	डीपीएम (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री रामचंद्र विश्वविद्यालय द्वारा श्री रामचंद्र मेडिकल कालेज एंड रिसर्च इंस्टीट्यूट, चेन्नई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अप्रैल, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ज) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "भारतीहर विश्वविद्यालय" के सामने, अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
"संज्ञाहरण में डिप्लोमा"	डॉ. ए. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह भारतीहर विश्वविद्यालय द्वारा कोयम्बटूर मेडिकल कालेज, कोयम्बटूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके पश्चात् प्रदान की गई हो)।

(झ) शीर्षक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "कालीकट विश्वविद्यालय" के सामने, अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
"नैदानिक विकृति विज्ञान में डिप्लोमा"	डीसीपी (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कालीकट विश्वविद्यालय द्वारा कालीकट मेडिकल कालेज, कालीकट में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1976 में अथवा उसके पश्चात् प्रदान की गई हो)।
"भौतिक चिकित्सा एवं पुनर्वास में डिप्लोमा"	डीपीएमआर (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कालीकट विश्वविद्यालय द्वारा कालीकट मेडिकल कालेज, कालीकट में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1995 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ज) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "महात्मा गांधी विश्वविद्यालय" के सामने, अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
"दॉक्टर आफ मेडिसिन (तंत्रिका विज्ञान)"	डी. एम. (तंत्रिका विज्ञान) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह महात्मा गांधी विश्वविद्यालय द्वारा मेडिकल कालेज, कोट्टायम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मार्च, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।
"दॉक्टर आफ मेडिसिन (क्षयरोग एवं श्वसनी रोग)"	एम. डी. (क्षयरोग एवं श्वसनी रोग) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह महात्मा गांधी विश्वविद्यालय द्वारा मेडिकल कालेज, कोट्टायम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में दिसम्बर, 2006 में अथवा उसके पश्चात् प्रदान की गई हो)।
(ट) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "केरल विश्वविद्यालय" के सामने, अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात्:-	
(2)	(3)
"मार्जिस्ट्रार चिरुरगिए (सर्जिकल गेस्ट्रोएन्ट्रोलॉजी)"	एम. सीएच. (सर्जिकल गेस्ट्रोएन्ट्रोलॉजी) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह केरल विश्वविद्यालय द्वारा मेडिकल कालेज, तिरुवनंतपुरम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में दिसम्बर, 2005 में अथवा उसके पश्चात् प्रदान की गई हो)।

[संख्या यू-12012/22/2008-एम. ई. (नीति-II)/खंड-III]

एन. बारिक, अवर सचिव

New Delhi, the 11th July, 2008

S.O. 1844.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:-

In the said Schedule -

(a) against "Annamalai University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Doctor of medicine (Physical Medicine & Rehabilitation)"	MD(PMR) (This shall be recognized medical qualification when granted by Annamalai University in respect of students being trained at Rajah Muttiah Medical College, Annamalai on or after May, 2007)

(b) against "Bharathidasan University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Magistrar Chirurgiae(Plastic Surgery)"	M.Ch(Plastic Surgery) (This shall be recognized medical qualification when granted by Bharathidasan University in respect of students being trained at Thanjavur Medical College, Thanjavur on or after 1981)

(c) against "Madras University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Magistrar Chirurgiae(Plastic Surgery)”	M.Ch(Plastic Surgery) (This shall be recognized medical qualification when granted by Madras University in respect of students being trained at Thanjavur Medical College, Thanjavur on or after 1981)
“Master of Surgery (Anatomy)”	MS (Anatomy) (This shall be recognized medical qualification when granted by Madras University in respect of students being trained at Christian Medical College, Vellore on or after 1966)
“Diploma in Diabetology”	Diploma in Diabetology (This shall be recognized medical qualification when granted by Madras University in respect of students being trained at Chennai Medical College, Chennai on or after 1987)
“Diploma in Anaesthesia”	DA (This shall be recognized medical qualification when granted by Madras University in respect of students being trained at Coimbatore Medical College, Coimbatore on or after 1981)
“Doctor of Medicine(Pathology)”	MD(Pathology) (This shall be recognized medical qualification when granted by Madras University in respect of students being trained at Dr. ALM Postgraduate Institute of Medical Sciences, Taramani, Chennai on or after July 1982)
Diploma in Clinical Pathology”	D C P (This shall be recognized medical qualification when granted by Madras University in respect of students being trained at Dr. ALM Postgraduate Institute of Medical Sciences, Taramani, Chennai on or after July 1983)

(d) against “Dr. MGR Medical University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Magistrar Chirurgiae (Plastic Surgery)”	M.Ch (Plastic Surgery) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Thanjavur Medical College, Thanjavur on or after 1981)
“Master of Surgery (Anatomy)”	MS (Anatomy) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Christian Medical College, Vellore on or after 1966)
“Diploma in Diabetology”	Diploma in Diabetology (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Chennai Medical College, Chennai on or after 1987)
“Doctor of Medicine(Microbiology)”	MD(Microbiology) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Madurai Medical College, Madurai on or after 1976)
“Doctor of Medicine(Dermatology Venerology & Leprosy”	MD(DVL) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Madurai Medical College, Madurai on or after 1979)
“Diploma in Dermatology Venerology & Leprosy”	DDVL (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Madurai Medical College, Madurai on or after 1979)

(2)	(3)
“Doctor of Medicine (Biochemistry)”	MD (Biochemistry) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Stanley Medical College, Chennai on or after 2006)
“Master of Surgery (ENT)”	MS (ENT) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Stanley Medical College, Chennai on or after March, 2007)
“Magistrar Chirurgiae (Surgical Gastroentrology)”	M.Ch (Surgical Gastroentrology) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Stanley Medical College, Chennai on or after 2006)
“Doctor of Medicine (Obst. & Gynae)”	MD (OBG) (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Coimbatore Medical College, Coimbatore on or after 2002)
“Diploma in Anaesthesia”	DA (This shall be recognized medical qualification when granted by Dr. MGR Medical University in respect of students being trained at Coimbatore Medical College, Coimbatore on or after 1981)

(e) against “Madurai University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Doctor of Medicine (Microbiology)”	MD (Microbiology) (This shall be a recognized medical qualification when granted by Madurai University in respect of students being trained at Madurai Medical College, Madurai on or after 1976)

(f) against “Madurai Kamraj University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Doctor of Medicine (Microbiology)”	MD (Microbiology) (This shall be a recognized medical qualification when granted by Madurai Kamraj University in respect of students being trained at Madurai Medical College, Madurai on or after 1976)

(g) against “Sri Ramachandra University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Doctor of Medicine (Medical Gastrodontology)”	DM (Medical Gastroentrology) (This shall be recognized medical qualification when granted by Sri Ramachandra University in respect of students being trained at Sri Ramachandra Medical College & Research Institute, Chennai on or after July, 2007)
“Diploma in Physical Medicine”	DPM (This shall be a recognized medical qualification when granted by Sri Ramachandra University in respect of students being trained at Sri Ramachandra Medical College & Research Institute, Chennai on or after April, 2007)

(h) against "Bhartihar University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Diploma in Anaesthesia"	DA (This shall be recognized medical qualification when granted by Bhartihar University in respect of students being trained at Coimbatore Medical College, Coimbatore on or after 1981)

(i) against "Calicut University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Diploma in Clinical Pathology"	DCP (This shall be a recognized medical qualification when granted by Calicut University in respect of students being trained at Calicut Medical College, Calicut on or after 1976)
"Diploma in Physical Medicine & Rehabilitation"	DPMR (This shall be a recognized medical qualification when granted by Calicut University in respect of students being trained at Calicut Medical College, Calicut on or after 1995)

(j) against "Mahatma Gandhi University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Doctor of Medicine (Neurology)"	DM(Neurology) (This shall be a recognized medical qualification when granted by Mahatma Gandhi University in respect of students being trained at Medical College, Kottayam on or after March, 2007)
"Doctor of Medicine(TB & Respiratory Disease"	MD(TB & RD) (This shall be a recognized medical qualification when granted by Mahatma Gandhi University in respect of students being trained at Medical College, Kottayam on or after December, 2006)

(k) against "Kerala University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Magistrar Chirurgiae(Surgical Gastroentrology)"	M.Ch(Surgical Gastroentrology) (This shall be a recognized medical qualification when granted by Kerala University in respect of students being trained at Medical College, Tiruvananthapuram on or after December, 2005)

[No. U. 12012/22/2008-ME(P-II)/Vol. III]

N. BARIK, Under Secy.

नई दिल्ली, 11 जुलाई, 2008

का.आ. 1845.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात्:-

उक्त अनुसूची में -

(क) "आन्ध्र प्रदेश यूनिवर्सिटी आफ साइंसेज, विजयवाड़ा" के सामने "मान्यता प्राप्त चिकित्सा अर्हता" (इसके पश्चात् संभ (2) के रूप में संदर्भित) के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' (इसके पश्चात् संभ (3) के रूप में संदर्भित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)

(3)

“मास्टर आफ सर्जरी (ईएनटी)”

एम. एस.. (ईएनटी)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह आन्ध्र प्रदेश यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा गांधी मेडिकल कालेज, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके बाद प्रदान की गई हो)।

“लैरिगोलाजी एवं आटोलॉजी में डिप्लोमा”

डी.एल.ओ.

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह आन्ध्र प्रदेश यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा गांधी मेडिकल कालेज, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)”

एम डी (बाल रोग चिकित्सा)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह आन्ध्र प्रदेश यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1977 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर आफ मेडिसिन (भेषज विज्ञान)”

एम डी (भेषज विज्ञान)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह आन्ध्र प्रदेश यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1978 में या उसके बाद प्रदान की गई हो)।

(ख) “एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा” के सामने “मान्यता प्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)

(3)

“मास्टर आफ सर्जरी (ईएनटी)”

एम. एस.. (ईएनटी)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा गांधी मेडिकल कालेज, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके बाद प्रदान की गई हो)।

“लैरिगोलाजी एवं आटोलॉजी में डिप्लोमा”

डी.एल.ओ.

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा गांधी मेडिकल कालेज, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1981 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर आफ मेडिसिन (भेषज विज्ञान)”

एम डी (भेषज विज्ञान)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा गांधी मेडिकल कालेज, सिकंदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो)।

“मास्टर आफ सर्जरी (अस्थि रोग विज्ञान)”

एम एस (अस्थि रोग विज्ञान)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा दक्कन कालेज आफ मेडिकल साइंसेज, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)”

एम डी (सामान्य चिकित्सा)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा दक्कन कालेज आफ मेडिकल साइंसेज, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में दिसम्बर, 2006 में अथवा उसके बाद प्रदान की गई हो)।

(2)	(3)
“डाक्टर आफ मेडिसिन (जैव रसायन)”	एम डी (जैव रसायन) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा दक्कन कालेज आफ मेडिकल साइंसेज, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून/जुलाई, 2007 में अथवा उसके बाद प्रदान की गई हो)।
“डाक्टर आफ मेडिसिन (वृक्क विज्ञान)”	डी एम (वृक्क विज्ञान) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा आन्ध्र मेडिकल कालेज विशाखापटनम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई, 2007 में अथवा उसके बाद प्रदान की गई हो)
“डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)”	एम डी (बाल रोग चिकित्सा) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1977 में अथवा उसके बाद प्रदान की गई हो)।
“डाक्टर आफ मेडिसिन (गैस्ट्रोइन्ट्रोलॉजी)”	डी एम (गैस्ट्रोइन्ट्रोलॉजी) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा आन्ध्र मेडिकल कालेज विशाखापटनम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई, 2007 में अथवा उसके बाद प्रदान की गई हो)।
“डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)”	एम डी (बाल रोग चिकित्सा) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा ममता मेडिकल कालेज, खम्माम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो)।
“त्वचा रोग विज्ञान, रतिज रोग विज्ञान एंव कुष्ठ में डिप्लोमा”	डीडीवीएल (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा ममता मेडिकल कालेज, खम्माम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो)।
“प्रसूति एवं स्त्री रोग विज्ञान में डिप्लोमा”	डीजीओ (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा कामिनी इंस्टीट्यूट आफ मेडिकल साइंसेज, नरकटपल्ली में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो)।
“डाक्टर आफ मेडिसिन (भेषज विज्ञान)”	एम डी (भेषज विज्ञान) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह एन टी आर यूनिवर्सिटी आफ हैल्थ साइंसेज, विजयवाड़ा द्वारा ए वी मेडिकल कालेज, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1978 में अथवा उसके बाद प्रदान की गई हो)।

(ग) “निजाम आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) हैदराबाद” के सामने “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
“मास्टर आफ सर्जरी (अस्थि रोग विज्ञान)”	एम.एस. (अस्थि रोग विज्ञान) [यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह निजाम आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) द्वारा निजाम आयुर्विज्ञान संस्थान, हैदराबाद में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अक्टूबर, 2006 में अथवा उसके बाद प्रदान की गई हो]।

(घ) "श्री वेंकटेश्वर आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) हैदराबाद" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
"मजिस्ट्रार चिरूरगिए (न्यूरो सर्जरी)"	एम. सी. एच (न्यूरो सर्जरी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री वेंकटेश्वर आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) द्वारा श्री वेंकटेश्वर आयुर्विज्ञान संस्थान, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो)।
"मजिस्ट्रार चिरूरगिए (यूरोलाजी/जेनिटोयूरिनरी सर्जरी)"	एम. सी. एच (यूरोलाजी/जेनिटोयूरिनरी सर्जरी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री वेंकटेश्वर आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) द्वारा श्री वेंकटेश्वर आयुर्विज्ञान संस्थान, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मार्च, 2007 में अथवा उसके बाद प्रदान की गई हो)।
"डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)"	एम. डी (बाल रोग चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री वेंकटेश्वर आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) द्वारा कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1977 में अथवा उसके बाद प्रदान की गई हो)।
"बाल स्वास्थ्य में डिप्लोमा"	डी. सी. एच (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री वेंकटेश्वर आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) द्वारा कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1977 में अथवा उसके बाद प्रदान की गई हो)।
"डाक्टर आफ मेडिसिन (भेषज विज्ञान)"	एम. डी (भेषज विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री वेंकटेश्वर आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) द्वारा एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1978 में अथवा उसके बाद प्रदान की गई हो)।
"डाक्टर आफ मेडिसिन (संवेदनाहरण)"	एम. डी (संवेदनाहरण) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह श्री वेंकटेश्वर आयुर्विज्ञान संस्थान (सम विश्वविद्यालय) द्वारा श्री वेंकटेश्वर आयुर्विज्ञान संस्थान, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो)।

(ङ) "पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
"डाक्टर आफ मेडिसिन (भेषज विज्ञान)"	एम. डी (भेषज विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा बर्धमान मेडिकल कालेज, बर्धमान में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में फरवरी, 2007 में अथवा उसके बाद प्रदान की गई हो)।
"मास्टर आफ सर्जरी (संवेदनाहरण विज्ञान)"	एम. एस (संवेदनाहरण विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा बर्धमान मेडिकल कालेज, बर्धमान में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो)।
"डाक्टर आफ मेडिसिन (संवेदनाहरण)"	एम. डी (संवेदनाहरण) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा बर्धमान मेडिकल कालेज, बर्धमान में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो)।

(2)

(3)

"मंडिस्ट्रार चिरुर्गिए (न्यूरो सर्जरी)"

एम. सी एच (न्यूरो सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा स्नातकोत्तर चिकित्सा शिक्षण एवं अनुसंधान संस्थान, कोलकाता में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो)

(च) "कोलकाता विश्वविद्यालय" के सामने "मान्यताप्राप्त चिकित्सा अर्हता" (इसके पश्चात् स्तंभ (2) के रूप में संदर्भित) के अन्तर्गत अतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' (इसके पश्चात् स्तंभ (3) के रूप में संदर्भित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ जाएगा, अर्थात् :-

(2)

(3)

"डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)"

एम डी (सामान्य चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कोलकाता विश्वविद्यालय द्वारा विवेकानन्द आयुर्विज्ञान संस्थान, कोलकाता में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1973 में अथवा उसके बाद प्रदान की गई हो)।

[सं. यू-12012/22/2008-एम. ई. (पी-II)/खंड-II]

एन. बारिक, अवर सचिव

New Delhi, the 11th July, 2008

S.O. 1845.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:-

In the said Schedule -

a) against "Andhra Pradesh University of Health Sciences, Vijayawada", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Master of Surgery(ENT)"	MS(ENT) (This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Hyderabad on or after 1981)
"Diploma in Laryngology & Otology"	D.L.O. (This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Hyderabad on or after 1981)
"Doctor of Medicine(Paediatrics)"	MD(Paediatrics) (This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at Kurnool Medical College, Kurnool on or after 1977)
"Doctor of Medicine (Pharmacology)"	MD(Pharmacology) (This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at S.V. Medical College, Tirupati on or after 1978)

b) against "NTR University of Health Sciences, Vijayawada", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Master of Surgery(ENT)"	MS(ENT) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Hyderabad on or after 1981)

(2)	(3)
“Diploma in Laryngology & Otology”	D.L.O. (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Hyderabad on or after 1981)
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Secunderabad on or after June, 2007)
“Master of Surgery(Orthopaedics)”	MS (Orthopaedics) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Deccan College of Medical Sciences, Hyderabad on or after June, 2007)
“Doctor of Medicine(General Medicine)”	MD (General Medicine) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Deccan College of Medical Sciences, Hyderabad on or after December, 2006)
“Doctor of Medicine(Biochemistry)”	MD (Biochemistry) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Deccan College of Medical Sciences, Hyderabad on or after June/July, 2007)
“Doctor of Medicine(Nephrology)”	DM (Nephrology) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Andhra Medical College, Visakhapatnam on or after July, 2007)
“Doctor of Medicine(Paediatrics)”	MD (Paediatrics) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Kurnool Medical College, Kurnool on or after 1977)
“Doctor of Medicine(Gastroentrology)”	DM (Gastroentrology) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Andhra Medical College, Visakhapatnam on or after July, 2007)
“Doctor of Medicine(Paediatrics)”	MD (Paediatrics) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Mamta Medical College, Khammam on or after June, 2007)
“Diploma in Dermatology, Venerology & Leprosy”	DDVL (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Mamta Medical College, Khammam on or after June, 2007)
“Diploma in Gynaecology & Obstetrics”	DGO (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at Kamineni Instt. of Medical Sciences, Narkatpally on or after June, 2007)
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by NTR University of Health Sciences, Vijayawada in respect of students being trained at S.V. Medical College, Tirupati on or after 1978)

(c) against "Nizam's Institute of Medical Sciences, (Deemed University) Hyderabad", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Master of Surgery(Orthopaedics)"	MS(Orthopaedics) (This shall be a recognized medical qualification when granted by Nizam's Institute of Medical Sciences, (Deemed University) in respect of students being trained at Nizam's Institute of Medical Sciences, Hyderabad on or after October, 2006)

(d) against "Sri Venkateshwara Institute of Medical Sciences, (Deemed University) Hyderabad", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Magistrar Chirurgiae(Neurosurgery)"	M.Ch. (Neurosurgery) (This shall be a recognized medical qualification when granted by Sri Venkateshwara Institute of Medical Sciences, (Deemed University) in respect of students being trained at Sri Venkateshwara Institute of Medical Sciences, Tirupati on or after May, 2007)
"Magistrar Chirurgiae(Urology/Genito-Urinary Surgery)"	M.Ch. (Neurosurgery) (This shall be a recognized medical qualification when granted by Sri Venkateshwara Institute of Medical Sciences, (Deemed University) in respect of students being trained at Sri Venkateshwara Institute of Medical Sciences, Tirupati on or after March, 2006)
"Doctor of Medicine (Paediatrics)"	MD (Paediatrics) (This shall be a recognized medical qualification when granted by Sri Venkateshwara Institute of Medical Sciences, (Deemed University) in respect of students being trained at Kurnool Medical College, Kurnool on or after 1977)
"Diploma in Child Health"	DCH (This shall be a recognized medical qualification when granted by Sri Venkateshwara Institute of Medical Sciences, (Deemed University) in respect of students being trained at Kurnool Medical College, Kurnool on or after 1977)
"Doctor of Medicine (Pharmacology)"	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Sri Venkateshwara Institute of Medical Sciences, (Deemed University) in respect of students being trained at S.V. Medical College, Tirupati on or after 1978)
"Doctor of Medicine (Anaesthesia)"	MD (Anaesthesia) (This shall be a recognized medical qualification when granted by Sri Venkateshwara Institute of Medical Sciences, (Deemed University) in respect of students being trained at Sri Venkateshwara Institute of Medical Sciences, Tirupati on or after May, 2007)

(e) against "West Bengal University of Health Sciences, Kolkata", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Doctor of Medicine (Pharmacology)"	MD (Pharmacology) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at Burdwan Medical College, Burdwan on or after February, 2007)

(2)	(3)
“Master of Surgery (Anaesthesia)”	MS (Anaesthesia) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at Burdwan Medical College, Burdwan on or after April, 2007)
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at Burdwan Medical College, Burdwan on or after April, 2007)
“Master of Surgery (Orthopaedics)”	MD (Orthopaedics) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at Burdwan Medical College, Burdwan on or after April, 2007)
“Doctor of Medicine (Paediatrics)”	MD (Paediatrics) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at R.G. Kar Medical College, Kolkata on or after April, 2007)
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at R.G. Kar Medical College, Kolkata on or after April, 2007)
“Master of Surgery (Obst. & Gynae)”	MD (OBG) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at R.G. Kar Medical College, Kolkata on or after April, 2007)
“Master of Surgery (ENT)”	MS (ENT) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at R.G. Kar Medical College, Kolkata on or after April, 2007)
“Doctor of Medicine (SPM/Community Medicine)”	MS (SPM/Community Medicine) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at R.G. Kar Medical College, Kolkata on or after April, 2007)
“Doctor of Medicine (Anatomy)”	MD (Anatomy) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at North Bengal Medical College, Darjeeling on or after April, 2007)
“Doctor of Medicine (SPM/Community Medicine)”	MS (SPM/Community Medicine) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at North Bengal Medical College, Darjeeling on or after April, 2007)
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at North Bengal Medical College, Darjeeling on or after April, 2007)
“Doctor of Medicine (Physiology)”	MD (Physiology) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at North Bengal Medical College, Darjeeling on or after April, 2007)

(2)

(3)

"Magistrar Chirurgiae (Neurosurgery)"

M. Ch. (Neurosurgery)

(This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at Post Graduate Medical Education & Research, Calcutta on or after April, 2007)

(f) against "Calcutta University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)

(3)

"Doctor of Medicine (General Medicine)"

MD (General Medicine)

(This shall be a recognized medical qualification when granted by Calcutta University in respect of students being trained at Vivekanand Institute of Medical Sciences, Calcutta on or after 1973)

[No. U-12012/22/2008-ME(P-II)/Vol. II]

N. BARIK, Under Secy.

नई दिल्ली, 12 जून, 2008

का.आ. 1846.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त प्रथम अनुसूची में "कलकत्ता विश्वविद्यालय" तथा उससे संबंधित प्रविष्टियों के बाद "पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, प. बंगाल" जोड़ा जाएगा और "पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, प. बंगाल" के सामने "मान्त्रिताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] शीर्षक के अंतर्गत तथा "पंजीकरण के लिए संक्षेपण [इसके पश्चात् स्तंभ (3) के रूप में उल्लिखित], शीर्षक के अंतर्गत निम्नलिखित अंतः स्थापित किए जाएंगे, अर्थात् :—

मान्त्रिताप्राप्त चिकित्सा अर्हता	पंजीकरण के लिए संक्षेपण
(2)	(3)
बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी	एम.बी.बी.एस.
संवेदनाहरण में डिप्लोमा	डी.ए
प्रसूति एवं स्त्री रोग विज्ञान में डिप्लोमा	डी. जी.ओ
नेत्र विज्ञान में डिप्लोमा	डी.ओ.
अस्थिरोग विज्ञान में डिप्लोमा	डी.आर्थो.
आटो-राइनो-लैरिंगोलाजी में डिप्लोमा	डी.एल.ओ.
क्षयरोग एवं वृक्ष रोगों में डिप्लोमा	डी.टी.सी.डी
मजिस्ट्रेट चिरुर्गिए (कार्डियो थोरेसिक सर्जरी)	एम.सी.एच. (सी.टी.एस.)
डाक्टर आफ मेडिसिन (त्वचा रोग विज्ञान)	एम.डी. (त्वचा रोग विज्ञान)
डाक्टर आफ मेडिसिन (न्यायिक चिकित्सा)	एम.डी. (न्यायिक चिकित्सा)
डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)	एम.डी. (सामान्य चिकित्सा)
डाक्टर आफ मेडिसिन (प्रसूति एवं स्त्री रोग विज्ञान)	एम.डी. (प्रसूति एवं स्त्री रोग विज्ञान)
डाक्टर आफ मेडिसिन (बाल रोग विज्ञान)	एम.डी. (बाल रोग चिकित्सा)
डाक्टर आफ मेडिसिन (क्षयरोग एवं श्वसनी रोग)	एम.डी. (क्षयरोग एवं श्वसनी रोग)
मास्टर आफ सर्जरी (आटो-राइनो-लैरिंगोलाजी)	एम.एस. (ई.एन.टी.)
मास्टर आफ सर्जरी (सामान्य शल्य चिकित्सा)	एम.एस. (शल्य चिकित्सा)
मास्टर आफ सर्जरी (प्रसूति एवं स्त्री रोग विज्ञानी)	एम.एस. (प्रसूति एवं स्त्री रोग विज्ञान)
मास्टर आफ सर्जरी (नेत्र विज्ञान)	एम.एस. (नेत्र विज्ञान)
मास्टर आफ सर्जरी (अस्थि रोग विज्ञान)	एम.एस. (अस्थि रोग विज्ञान)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा मेडिकल कालेज, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)

(2)	(3)
बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी	एम.बी.बी.एस.
संवेदनाहरण में डिप्लोमा	डी.ए
डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)	एम.डी. (सामान्य चिकित्सा)
डाक्टर आफ मेडिसिन (क्षय एवं श्वसनी रोग)	एम.डी. (क्षय एवं श्वसनी रोग)
मास्टर आफ सर्जरी (सामान्य शल्य क्रिया)	एम.डी. (सामान्य शल्य क्रिया)
मास्टर आफ सर्जरी (अस्थि रोग विज्ञान)	एम.एस. (अस्थि रोग विज्ञान)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा आर.जी.कर. मेडिकल कालेज, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)

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बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी	एम.बी.बी.एस.
संवेदनाहरण में डिप्लोमा	डी.ए
डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)	एम.डी. (सामान्य चिकित्सा)
डाक्टर आफ मेडिसिन (प्रसूति एवं स्त्री रोग विज्ञान)	एम.डी. (प्रसूति एवं स्त्री रोग विज्ञान)
डाक्टर आफ मेडिसिन (क्षयरोग एवं श्वसनी रोग)	एम.डी. (क्षयरोग एवं श्वसनी रोग)
मास्टर आफ सर्जरी (सामान्य शल्य क्रिया)	एम.एस. (सामान्य शल्य क्रिया)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी, यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा कोलकाता नेशनल मेडिकल कालेज, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)

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बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी.	एम.बी.बी.एस.
संवेदनाहरण में डिप्लोमा	डी.ए
मजिस्ट्रार चिरुरगिए (बाल शल्य चिकित्सा)	एम.सी.एच. (बाल शल्य चिकित्सा)
डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)	एम.डी. (सामान्य चिकित्सा)
डाक्टर आफ मेडिसिन (प्रसूति एवं स्त्री रोग विज्ञान)	एम.डी. (प्रसूति एवं स्त्री रोग विज्ञान)
डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)	एम.डी. (बाल रोग चिकित्सा)
डाक्टर आफ मेडिसिन (क्षयरोग एवं श्वसनी रोग)	एम.डी. (क्षयरोग एवं श्वसनी रोग)
मास्टर आफ सर्जरी (सामान्य शल्य क्रिया)	एम.एस. (सामान्य शल्य क्रिया)
मास्टर आफ सर्जरी (अस्थि रोग विज्ञान)	एम.एस. (अस्थि रोग विज्ञान)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा नीलरत्न सरकार मेडिकल कालेज, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)

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संवेदनाहरण में डिप्लोमा	डी.ए
बुनियादी आयुर्विज्ञान में डिप्लोमा (शरीर रचना विज्ञान)	डी.बी.एम.एस.सी. (शरीर रचना विज्ञान)
बुनियादी आयुर्विज्ञान में डिप्लोमा (भेषज विज्ञान)	डी.बी.एम.एस.सी. (भेषज विज्ञान)
बुनियादी आयुर्विज्ञान में डिप्लोमा (शरीर क्रिया विज्ञान)	डी.बी.एम.एस.सी. (शरीर क्रिया विज्ञान)
हृदय रोग विज्ञान में डिप्लोमा	डी.कार्डो
क्लिनिकल पैथोलाजी में डिप्लोमा	डी.सी.पी.
त्वचा रोग विज्ञान में डिप्लोमा	डी.डी.

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मनोवैज्ञानिक चिकित्सा में डिप्लोमा	डी. पी. एम.
रेडियो थिरेपी में डिप्लोमा	डी. आर टी
रेडियो-डायग्नोसिस में डिप्लोमा	डी. एम आर डी
डाक्टर आफ मेडिसिन (हृदय रोग विज्ञान)	डी. एम. (कार्डो)
डाक्टर आफ मेडिसिन (त्वचा रोग विज्ञान)	एम. डी. (त्वचा रोग विज्ञान)
डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)	एम. डी. (सामान्य चिकित्सा)
डाक्टर आफ मेडिसिन (सूक्ष्म जीव विज्ञान)	एम. डी. (सूक्ष्म जीव विज्ञान)
डाक्टर आफ मेडिसिन (प्रसूति एवं स्त्री रोग विज्ञान)	एम. डी. (प्रसूति एवं स्त्री रोग विज्ञान)
डाक्टर आफ मेडिसिन (मनश्चिकित्सा)	एम. डी. (मनश्चिकित्सा)
मास्टर आफ सर्जरी (रेडियो डायग्नोसिस)	एम. एस. (रेडियो डायग्नोसिस)
डाक्टर आफ मेडिसिन (रेडियो थिरेपी)	एम. डी. (रेडियो थिरेपी)
मास्टर आफ सर्जरी (सामान्य सर्जरी)	एम. एस. (सामान्य सर्जरी)
मास्टर आफ सर्जरी (प्रसूति एवं स्त्री रोग विज्ञान)	एम. एस. (प्रसूति एवं स्त्री रोग विज्ञान)
मास्टर आफ सर्जरी (अस्थि रोग विज्ञान)	एम. एस. (अस्थि रोग विज्ञान)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान क्षेत्रविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा यूनिवर्सिटी कालेज आफ मेडिसिन, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)

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स्वास्थ्य शिक्षा में डिप्लोमा	डी एच एजु
आयोगिक स्वास्थ्य विज्ञान में डिप्लोमा	डी इंड हाइ
मातृत्व एवं बाल कल्याण में डिप्लोमा	डी एम सी डब्ल्यू
जन स्वास्थ्य में डिप्लोमा	डी पी एच
डाक्टर आफ मेडिसिन (सामाजिक एवं निवारक चिकित्सा/सामुदायिक चिकित्सा)	एम. डी. (सामाजिक एवं निवारक चिकित्सा/सामुदायिक चिकित्सा)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान क्षेत्रविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा अखिल भारतीय स्वास्थ्य विज्ञान एवं जन स्वास्थ्य संस्थान, कोलकाता, पश्चिम बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)

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बाल स्वास्थ्य में डिप्लोमा	डी सी एच
डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)	एम. डी. (बाल रोग चिकित्सा)
(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान क्षेत्रविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा बाल स्वास्थ्य संस्थान, कोलकाता, पश्चिम बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)	

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बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी	एम.बी.बी.एस.
(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान क्षेत्रविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा बांकुरा सम्मिलनी मेडिकल कालेज, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)	

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संवेदनोहरण में डिप्लोमा	डी ए
आटो-राइनो-लैरिंगोलाजी में डिप्लोमा	डी. ए.ल. ओ.
डाक्टर आफ मेडिसिन (हृदय रोग विज्ञान)	डी. एम. (हृदय रोग विज्ञान)
डाक्टर आफ मेडिसिन (इन्डाक्रिनोलाजी)	डी. एम. (इन्डाक्रिनोलाजी)

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डाक्टर आफ मेडिसिन (गैस्ट्रोइन्ट्रोलाजी)	डॉ. एम. (गैस्ट्रोइन्ट्रोलाजी)
डाक्टर आफ मेडिसिन (नेफ्रोलाजी)	डॉ. एम. (नेफ्रोलाजी)
डाक्टर आफ मेडिसिन (न्यूरोलाजी)	डॉ. एम. (न्यूरोलाजी)
मजिस्ट्रेट चिरुरगिए (कार्डियो थरेसिक सर्जरी)	एम. सी. एच. (कार्डियो थरेसिक सर्जरी)
मजिस्ट्रेट चिरुरगिए (न्यूरो सर्जरी)	एम. सी. एच. (न्यूरो सर्जरी)
मजिस्ट्रेट चिरुरगिए (प्लास्टिक सर्जरी)	एम. सी. एच. (प्लास्टिक सर्जरी)
मजिस्ट्रेट चिरुरगिए (यूरोलाजी/जेनिटो/यूरिनरी सर्जरी)	एम. सी. एच. (यूरोलाजी/जेनिटो/यूरिनरी सर्जरी)
डाक्टर आफ मेडिसिन (संवेदनाहरण विज्ञान)	डॉ. एम. (संवेदनाहरण विज्ञान)
डाक्टर आफ मेडिसिन (जैव-रसायन)	डॉ. एम. (जैव-रसायन)
डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)	डॉ. एम. (सामान्य चिकित्सा)
डाक्टर आफ मेडिसिन (प्रसूति एवं स्त्री रोग विज्ञान)	डॉ. एम. (प्रसूति एवं स्त्री रोग विज्ञान)
डाक्टर आफ मेडिसिन (विकृति विज्ञान)	डॉ. एम. (विकृति विज्ञान)
डाक्टर आफ मेडिसिन (भौतिक चिकित्सा एवं पुनर्वास)	डॉ. एम. (भौतिक चिकित्सा एवं पुनर्वास)
डाक्टर आफ मेडिसिन (क्षय रोग एवं श्वसनी रोग)	डॉ. एम. (क्षय रोग एवं श्वसनी रोग)
मास्टर आफ सर्जरी (संवेदनाहरण)	एम. एस. (संवेदनाहरण)
मास्टर आफ सर्जरी (आटो-राइनो-लैरिंगोलाजी)	एम. एस. (आटो-राइनो-लैरिंगोलाजी)
मास्टर आफ सर्जरी (सामान्य शाल्य चिकित्सा)	एम. एस. (सामान्य शाल्य चिकित्सा)
मास्टर आफ सर्जरी (प्रसूति एवं स्त्री रोग विज्ञान)	एम. एस. (प्रसूति एवं स्त्री रोग विज्ञान)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो।)

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डाक्टर आफ मेडिसिन (जैव-रसायन)	डॉ. एम. (जैव-रसायन)
डाक्टर आफ मेडिसिन (विकृति विज्ञान)	डॉ. एम. (विकृति विज्ञान)
डाक्टर आफ मेडिसिन (भेषज विज्ञान)	डॉ. एम. (भेषज विज्ञान)
डाक्टर आफ मेडिसिन (शरीर क्रिया विज्ञान)	डॉ. एम. (शरीर क्रिया विज्ञान)
मास्टर आफ सर्जरी (शरीर रचना विज्ञान)	एम. एस. (शरीर रचना विज्ञान)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा डा. बी. सी. राय पी.जी. इंस्टीट्यूट आफ बेसिक मेडिकल साइंसेज, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हों।)

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ट्रापिकल मेडिसिन हैल्थ में डिप्लोमा	डॉ. टी. एम. एच.
डाक्टर आफ मेडिसिन (ट्रापिकल मेडिसिन)	एम. डॉ. (ट्रापिकल मेडिसिन)

(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये स्कूल आफ ट्रापिकल मेडिसिन कोलकाता, पश्चिम बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हों।)

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बाल स्वास्थ्य में डिप्लोमा	डॉ. सी. एच.
प्रसूति एवं स्त्री रोग विज्ञान में डिप्लोमा	डॉ. जी. ओ.
नेत्र विज्ञान में डिप्लोमा	डॉ. ओ.
आटो-राइनो-लैरिंगोलाजी में डिप्लोमा	डॉ. एल. ओ.
डाक्टर आफ मेडिसिन (प्रसूति एवं स्त्री रोग विज्ञान)	एम. डॉ. (प्रसूति एवं स्त्री रोग विज्ञान)

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डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)	एम. डी. (बाल रोग चिकित्सा)
मास्टर आफ सर्जरी (आटो-राइनो-लैरिंगोलाजी)	एम. एस. (आटो-राइनो-लैरिंगोलाजी)
मास्टर आफ सर्जरी (सामान्य शल्य क्रिया)	एम. एस. (सामान्य शल्य क्रिया)
मास्टर आफ सर्जरी (नेत्र विज्ञान)	एम. एस. (नेत्र विज्ञान)
(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा विवेकानंद आयुर्विज्ञान संस्थान, कोलकाता, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हों ।)	

(2)	(3)
बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी	एम.बी.बी.एस.
प्रसूति एवं स्त्री रोग विज्ञान में डिप्लोमा	डी. जी. ओ.
डाक्टर आफ मेडिसिन (शरीर रचना विज्ञान)	एम. डी. (शरीर रचना विज्ञान)
डाक्टर आफ मेडिसिन (जैव-रसायन)	एम. डी. (जैव-रसायन)
डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)	एम. डी. (बाल रोग चिकित्सा)
(ये मान्यताप्राप्त चिकित्सा अर्हताएं होंगी यदि ये पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता, पश्चिम बंगाल द्वारा बर्धमान मेडिकल कालेज, बर्धमान, प. बंगाल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में प्रदान की गई हो ।)	

[सं. यू-12012/478/2007-एम. ई. (पी-II)]

एन. बारिक, अवर सचिव

New Delhi, the 12th June, 2008

S.O. 1846.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule after “Calcutta University” and entries relating thereto “West Bengal University of Health Sciences, Kolkata, West Bengal” shall be added and against “West Bengal University of Health Sciences, Kolkata, West Bengal under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], and the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

Recognized Medical Qualification	Abbreviation for Registration
(2)	(3)
Bachelor of Medicine & Bachelor of Surgery	M.B.B.S.
Diploma in Anesthesia	D.A.
Diploma in Obstetrics & Gynaecology	D.G.O.
Diploma in Ophthalmology	D.O.
Diploma in Orthopaedics	D. Ortho.
Diploma in Oto-Rhino-Laryngology	D.L.O.
Diploma in Tuberculosis & Chest Diseases	D.T.C.D.
Magistrar Chirurgiae (Cardio Thoracic Surgery)	M. Ch.(C.T.S.)
Doctor of Medicine (Dermatology)	M.D. (Derm.)
Doctor of Medicine (Forensic Medicine)	M.D. (F.Med.)
Doctor of Medicine (General Medicine)	M.D. (Genl. Med.)
Doctor of Medicine (Obstetrics & Gynaecology)	M.D. (Obst. & Gynae.)

(2)	(3)
Doctor of Medicine (Paediatrics)	M.D. (Paed.)
Doctor of Medicine (Tuberculosis & Respiratory Disease)	M.D. (T.B. & Res. Dise.)
Master of Surgery (Oto-Rhino-Laryngology)	M.S. (ENT)
Master of Surgery (General Surgery)	M.S. (Surg.)
Master of Surgery (Obstetrics & Gynaecology)	M.S. (Obst. & Gynae)
Master of Surgery (Ophthalmology)	M.S. (Oph.)
Master of Surgery (Orthopaedics)	M.S. (Ortho.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Medical College, Kolkata, West Bengal.)

(2)	(3)
Bachelor of Medicine & Bachelor of Surgery	M.B.B.S.
Diploma in Anaesthesia	D.A.
Doctor of Medicine (General Medicine)	M.D. (Genl. Med.)
Doctor of Medicine (Tuberculosis & Respiratory Disease)	M.D. (T.B. & Res. Dise.)
Master of Surgery (General Surgery)	M.S.(Genl. Surg.)
Master of Surgery (Orthopaedics)	M.S.(Ortho.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at R.G. Kar Medical College, Kolkata, West Bengal.)

(2)	(3)
Bachelor of Medicine & Bachelor of Surgery	M.B.B.S.
Diploma in Anaesthesia	D.A.
Doctor of Medicine (General Medicine)	M.D. (Genl. Med.)
Doctor of Medicine (Obstetrics & Gynaecology)	M.D. (Obst. & Gynae.)
Doctor of Medicine (Tuberculosis & Respiratory Disease)	M.D. (T.B. & Res. Dise.)
Master of Surgery (General Surgery)	M.S.(Genl. Surg.)

These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Calcutta National Medical College, Kolkata, West Bengal.)

(2)	(3)
Bachelor of Medicine & Bachelor of Surgery	M.B.B.S.
Diploma in Anaesthesia	D.A.
Master of Chirurgiae (Paediatric Surgery)	M.S.(Paedl. Surg.)
Doctor of Medicine (General Medicine)	M.D. (Genl. Med.)
Doctor of Medicine (Obstetrics & Gynaecology)	M.D. (Obst. & Gynae.)
Doctor of Medicine (Paediatrics)	M.D. (Paed.)
Doctor of Medicine (Tuberculosis & Respiratory Disease)	M.D. (T.B. & Res. Dise.)
Master of Surgery (General Surgery)	M.S.(Genl. Surg.)
Master of Surgery (Orthopaedics)	M.S.(Ortho.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Calcutta National Medical College, Kolkata, West Bengal.)

(2)	(3)
Diploma in Anaesthesia	D.A.
Diploma in Basic Medical Sciences (Anatomy)	D.B.M.Sc.(Anat.)
Diploma in Basic Medical Sciences (Pharmacology)	D.B.M.Sc.(Pharm.)
Diploma in Basic Medical Sciences (Physiology)	D.B.M.Sc.(Phy.)
Diploma in Cardiology	D.Card.
Diploma in Clinical Pathology	D. C. P.
Diploma in Dermatology	D. D.

(2)	(3)
Diploma in Psychological Medicine	D. P. M.
Diploma in Radio Therapy	D. R. T.
Diploma in Radio-Diagnosis	D. M. R. D.
Doctor of Medicine (Cardiology)	D.M. (Card.)
Doctor of Medicine (Dermatology)	M.D. (Derm.)
Doctor of Medicine (General Medicine)	M.D. (Genl. Med.)
Doctor of Medicine (Microbiology)	M.D. (Mic. Bio.)
Doctor of Medicine (Obstetrics & Gynaecology)	M.D. (Obst. & Gynae.)
Doctor of Medicine (Psychiatry)	M.D. (Psych.)
Master of Surgery (Radio Diagnosis)	M.S. (Rad. Diag.)
Doctor of Medicine (Radiotherapy)	M.D. (Rad. Ther.)
Master of Surgery (General Surgery)	M.S. (Genl. Surg.)
Master of Surgery (Obstetrics & Gynaecology)	M.S. (Obst. & Gynae.)
Master of Surgery (Orthopaedics)	M.S. (Ortho.)

(These shall be recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at University College of Medicine, Kolkata, West Bengal.)

(2)	(3)
Diploma in Health Education	D.H. Ed.
Diploma in Industrial Hygiene	D. Ind. Hyg.
Diploma in Maternity & Child Welfare	D. M.C.W.
Diploma in Public Health	D.P.H.
Doctor of Medicine (Social & Preventive Medicine/Community Medicine)	M.D. (S.P.M./Comm. Med.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at All India Institute of Hygiene & Public Health, Kolkata, West Bengal.)

(2)	(3)
Diploma in Child Health	D.C.H.
Doctor of Medicine (Paediatrics)	M.D. (Paed.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Institute of Child Health, Kolkata, West Bengal.)

(2)	(3)
Bachelor of Medicine & Bachelor of Surgery	M.B.B.S.

(This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Bankura Sammilani Medical College, West Bengal.)

(2)	(3)
Diploma in Anesthesia	D.A.
Diploma in Oto - Rhino-Laryngology	D.L.O.
Doctor of Medicine (Cardiology)	D.M. (Card.)
Doctor of Medicine (Endocrinology)	D.M. (Endoc.)
Doctor of Medicine (Gastroenterology)	D.M. (Med. Gastro.)
Doctor of Medicine (Nephrology)	D.M. (Nephro.)
Doctor of Medicine (Neurology)	D.M. (Neuro.)
Magistrorum Chirurgiae (Cardio Thoracic Surgery)	M.Ch. (C.T.S.)
Magistrorum Chirurgiae (Neuro Surgery)	M.Ch. (Neuro. Surg.)
Magistrorum Chirurgiae (Plastic Surgery)	M.Ch. (Pl. Surg.)
Magistrorum Chirurgiae (Urology/Genito-Urinary Surgery)	M.Ch. (Uro./Uri. Surg.)
Doctor of Medicine (Anaesthesiology)	M.D. (Anaes.)
Doctor of Medicine (Bio-Chemistry)	M.D. (Bio. Chem.)
Doctor of Medicine (General Medicine)	M.D. (Genl. Med.)
Doctor of Medicine (Obstetrics & Gynaecology)	M.D. (Obst. & Gynae.)
Doctor of Medicine (Pathology)	M.D. (Path.)

(2)

Doctor of Medicine (Physical Medicine & Rehabilitation)
 Doctor of Medicine (Tuberculosis & Respiratory Diseases)
 Master of Surgery (Anaesthesia)
 Master of Surgery (Oto-Rhino-Laryngology)
 Master of Surgery (General Surgery)
 Master of Surgery (Obstetrics & Gynaecology)

(3)

M.D.(Phys. Med. & Reb.)
 M.D.(T.B. & Res. Dies.)
 M.D.(Anaes.)
 M.S.(ENT)
 M.S.(Genl. Surg.)
 M.S.(Obst. & Gynae.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Institute of Post Graduate Medical Education & Research, Kolkata, West Bengal.)

(2)

Doctor of Medicine (Bio-Chemistry)
 Doctor of Medicine (Pathology)
 Doctor of Medicine (Pharmacology)
 Doctor of Medicine (Physiology)
 Master of Surgery (Anatomy)

(3)

M.D.(BioChem.)
 M.D.(Path.)
 M.D.(Pharm.)
 M.D.(Phys.)
 M.S.(Anat.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Dr. B.C. Roy PG Institute of Basic Medical Sciences, Kolkata, West Bengal.)

(2)

Diploma in Tropical Medicine Health
 Doctor of Medicine (Tropical Medicine)

(3)

D.T.M.H.
 M.D.(Trop. Med.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at School of Tropical Medicine, Kolkata, West Bengal.)

(2)

Diploma in Child Health
 Diploma in Obstetrics & Gynaecology
 Diploma in Ophthalmology
 Diploma in Oto-Rhino-Laryngology
 Doctor of Medicine (Obstetrics & Gynaecology)
 Doctor of Medicine (Paediatrics)
 Master of Surgery (Oto-Rhino-Laryngology)
 Master of Surgery (General Surgery)
 Master of Surgery (Ophthalmology)

(3)

D.C.H
 D.G.O.
 D.O.
 D.L.O.
 M.D.(Obst. & Gynae.)
 M.D.(Paed.)
 M.S.(E.N.T.)
 M.S.(Genl. Surg.)
 M.S.(Ophth.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Vivekanand Institute of Medical Sciences, Kolkata, West Bengal.)

(2)

Bachelor of Medicine & Bachelor of Surgery
 Diploma in Obstetrics & Gynaecology
 Doctor of Medicine (Anatomy)
 Doctor of Medicine (Bio-Chemistry)
 Doctor of Medicine (Paediatrics)

(3)

M.B.B.S.
 D.G.O.
 M.D.(Anat.)
 M.D.(Bio-Chem.)
 M.D.(Paed.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at Burdwan Medical College, Burdwan, West Bengal.)

(2)

Bachelor of Medicine & Bachelor of Surgery
 Doctor of Medicine (Anatomy)

(3)

M.B.B.S.
 M.D.(Anat.)

(These shall be recognized medical qualifications when granted by West Bengal University of Health Sciences, Kolkata, West Bengal in respect of students being trained at North Bengal Medical College, Kolkata, West Bengal.)

[No. U-12012/478/2007-ME(P-II)]

N. BARIK, Under Secy.

नई दिल्ली, 14 जुलाई, 2008

का.आ. 1847.—केन्द्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है; अर्थात्:-

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज (आर जी यू और एच एस), बैंगलूर के संबंध में क्रम सं. 49 के सामने स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों में ए एम ई डेंटल कालेज एंड हॉस्पिटल, रायचूर के संबंध में निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात्:-

XXXII एएमई डेंटल कालेज एंड हॉस्पिटल, रायचूर

“मास्टर ऑफ डेंटल सर्जरी

(i) ऑर्थोडोन्टिक्स

(यदि यह 23-5-2007 को अथवा इसके उपरान्त प्रदान की गई हो)
बैंगलूर”

एम डी एस (ऑर्थोडोन्टिक्स)

राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज

[सं. वी.-I 2017/33/2000-डी ई]

राज सिंह, अवर सचिव

New Delhi, the 14th July, 2008

S. O. 1847.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No. 49, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to, Rajiv Gandhi University of Health Sciences (RGUOHS), Bangalore, the following entries in respect of AME's Dental College & Hospital, Raichur shall be inserted thereunder :—

XXXII

AME's Dental College & Hospital, Raichur

“Master of Dental Surgery

(i) Orthodontics

(When granted on or after 23-5-2007)

MDS (Orthodontics)

Rajiv Gandhi University of Health Sciences, Bangalore.”

[No. V-12017/33/2000-DI]

RAJ SINGH, Under Secy.

वस्त्र मंत्रालय

नई दिल्ली, 11 जुलाई, 2008

का.आ. 1848.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उपर्युक्त अधिनियम के प्रावधानों के अध्यधीन इस अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए केन्द्रीय रेशम बोर्ड के सदस्य के रूप में कार्य करने के लिए निम्नलिखित व्यक्ति का नामांकन अधिसूचित करती है :—

सुश्री ममता खण्डेलवाल,

133, उदय पार्क,

नई दिल्ली -110049

इस अधिनियम की धारा 4 (3)(जे)

के तहत केन्द्रीय सरकार द्वारा नामित।

[फा. सं. 25012/56/99-रेशम]

भूपेन्द्र सिंह, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 11th June, 2008

S. O. 1848.—In exercise of the powers conferred by sub-section (3) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby notifies the nomination of the following person to serve as member of the Central Silk Board for a period of three years from the date of this notification subject to the provisions of the said Act :—

Ms. Mamta Khandelwal,
133, Uday Park,
New Delhi-110049

Nominated by the Central Government under
Section 4(3) (j) of the Act.

[F. No. 25012/56/99-Silk]

BIHUPENDRA SINGH, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 8 फरवरी, 2008

का.आ. 1849.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योगों के अनुरूप है और इस बात की संभावना है कि लागातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स यमुना स्केल इण्डस्ट्रीज़, शिक्काजीनगर, सावरकुण्डल-364515, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "बाई एस टी टी-03" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके छांड का नाम "यमुना" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/07/484 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम शमता 30 कि.ग्रा. है और अनुमोदित शमता 100 ग्रा. है। इसका सत्यापन मापमान अंतराल 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनाममय अनुमोदित यथार्थता यत्युलन प्रभाव है। साईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती वाले विद्युत ऊर्जा द्वारा चलता है।



आकृति 2— अनुमोदित सीलबंद करने के प्रावधान का स्कीमेटिक डायग्राम

मॉडल की सीलिंग स्ट्रिपिंग प्लेट के तल और बॉडी के साईड भाग के साप्ने की ओर छिद्र करके की जाती है। मॉडल के सीलिंग प्रावधान का एक विशिष्ट स्कीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेंक, यथार्थता और कार्यालय के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम शक्ता वाले हैं और "ई" मान 1×10^8 , 2×10^8 या 5×10^8 के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समनुरूप हैं।

[फा. सं. डब्ल्यू एम-21 (260)/2007]

आर. माधुसदूषम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 8th February, 2008

S.O. 1849.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Tabletop type) weighing instrument with digital indication of "YSTT-03" series of medium accuracy (accuracy class-III) and with brand name "YAMUNA" (herein referred to as the said model), manufactured by M/s. Yamuna Scale Industries, Shivajinagar, Sevaknagar-364 515, Gujarat and which is assigned the approval mark IND/09/07/484;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

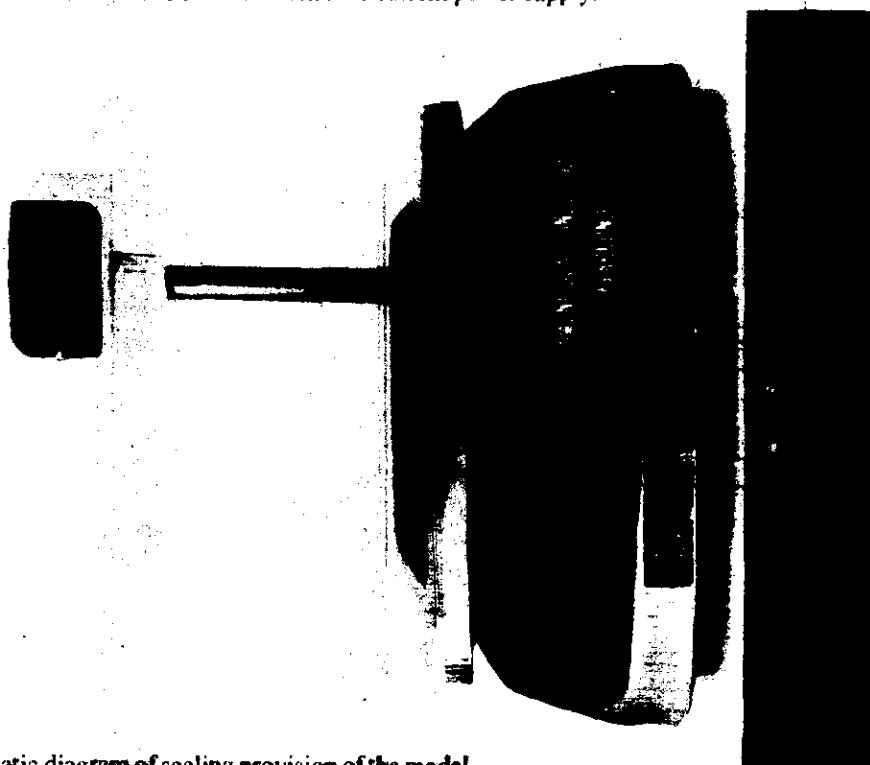


Fig. 2 Schematic diagram of sealing provision of the model

The model is sealed through the holes made in the opposite side of the stamping plate in the bottom and side part of the body. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. and with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (260)/2007]

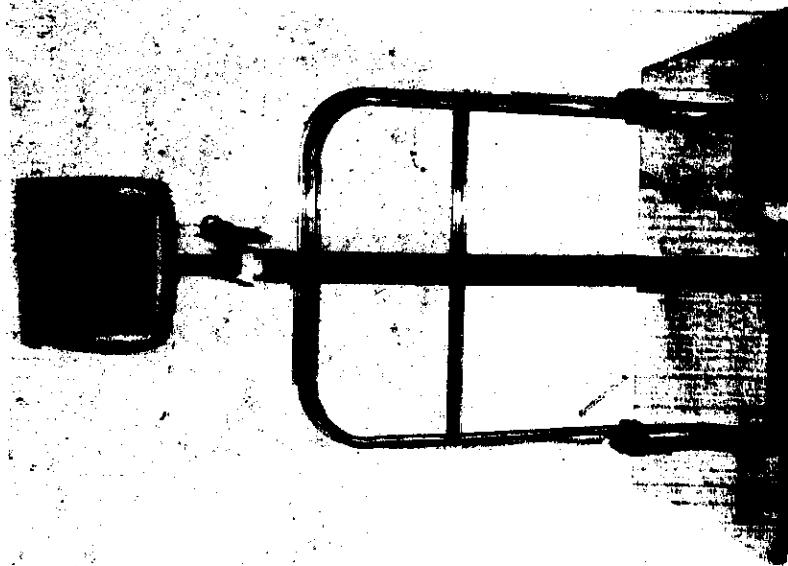
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 8 फरवरी, 2008

कला, 1850.—केन्द्रीय सरकार का, विडित प्राचिनतारी द्वारा उद्योग प्रस्तुति रिपोर्ट पर किचार करने के पश्चात् यह समाचार हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपकरणों के अनुरूप हैं और इस बात की संभावना है कि संग्रहालय प्रशोध की अधिक में भी उक्त मॉडल व्यवस्था बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसरी यमुना स्कॉल इण्डस्ट्रीज, शिक्षाजीनमर, सांख्यकूण्डल-364515, युजशत द्वारा विनिर्मित मध्यम यथार्थता कर्ता (यथार्थता कर्ता 100) बाले "वाई एस पी एफ-03" शृंखला के अंकक सूचक सहित स्वचूषक, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके छांड का नाम 'यमुना' है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एक डी/09/07/485 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का आर सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 किंग्रा. और न्यूनतम क्षमता 1 किंग्रा. है। इसका सर्वापन मापमान अंतराल 50 ग्राम है। इसमें एक आधेयमुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक थारित आधेयमुलन प्रधाव है। लाईट इमिटिंग डायोड तोलन परिणाम उपलिखित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यार्थी धारा विद्युत पर कार्य करता है।



आकृति 2—मॉडल को सीलबंद करने के प्राक्तधान का स्कीमेटिक डायग्राम (इण्डिकेटर पर)

मॉडल के इंडिकेटर को तल पर बने छिद्र जो इण्डिकेटर के ऊपरी भाग तक जाता है, में से सीलिंग तार डालकर और दूसरी ओर तल को प्लेट पर बने छिद्र से डाली जाती है। मॉडल के सीलिंग प्राक्तधान का एक विशिष्ट स्कीमेटिक डायग्राम ऊपर दिया गया है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विकसित उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सर्वापन मापमान अंतराल (एन) सहित 50 किलो ग्राम से 5000 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक या शून्य के समतुल्य हैं।

[का. सं. डब्ल्यू. एम-21(260)/2007]

आर. माधुर्यूथम, निदेशक, विधिक माप विभाग

New Delhi, the 8th February, 2008

S.O. 1850.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "YSPF-03" series of medium accuracy (Accuracy class-II) and with brand name "YAMUNA" (herein referred to as the said model), manufactured by M/s. Yamuna Scale Industries, Shivajinagar, Savarkundala-364 515, Gujarat and which is assigned the approval mark IND/09/07/485.

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 300 kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

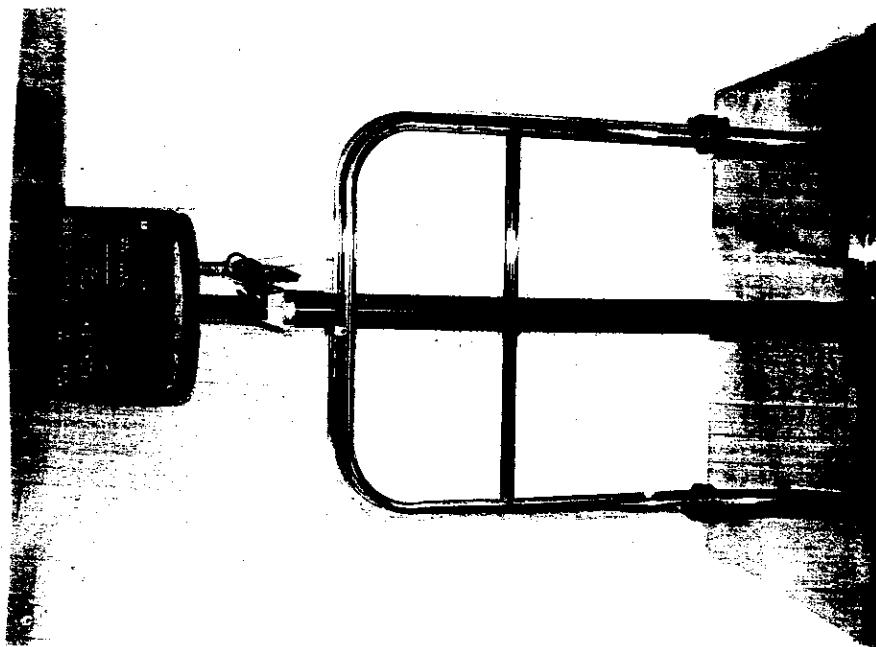


Fig. 2 Schematic diagram of sealing provision of the model (at the indicator)

The indicator of the model is sealed through the sealing wire passed from bottom hole run over the top part of the indicator and passed through the other side of the bottom plate. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg. and up to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

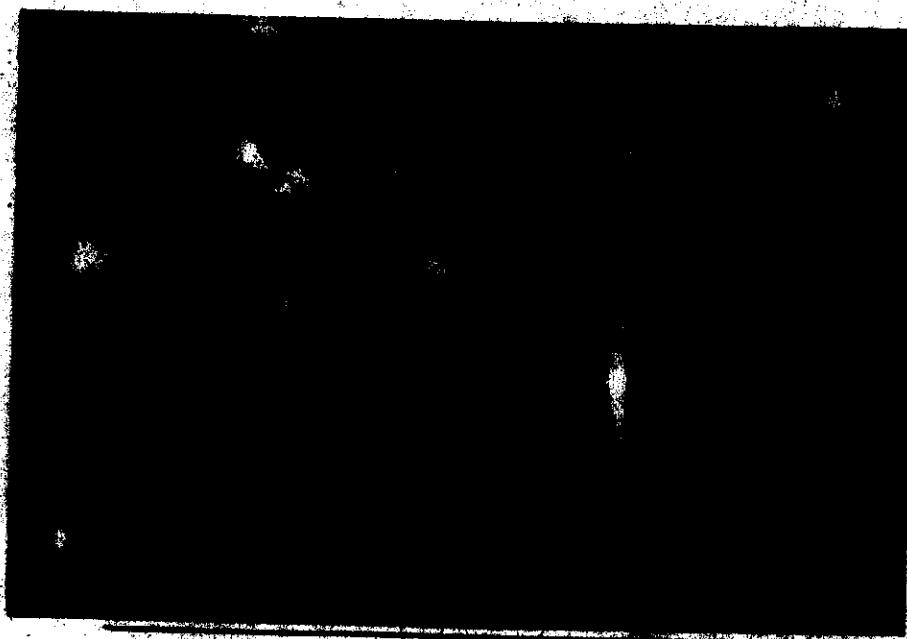
[F. No. WM-21 (260)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 फरवरी, 2008

का.आ. 1851.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स सेनसिनोवा टैक्नोलॉजी प्रा.लि. # 166, 3 (थर्ड) क्रास, 7वां मैन भुवनेश्वरीनगर, टी दसराहली, बंगलौर-560 057 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 111) वाले “एस.टी.पी.एल-टी.बी.” शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम ‘इनोवा’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/164 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (टेबल टॉप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टारिंग प्लेट के मुद्रांकन के अर्तिरक्त मशीन को कपथूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10, 000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

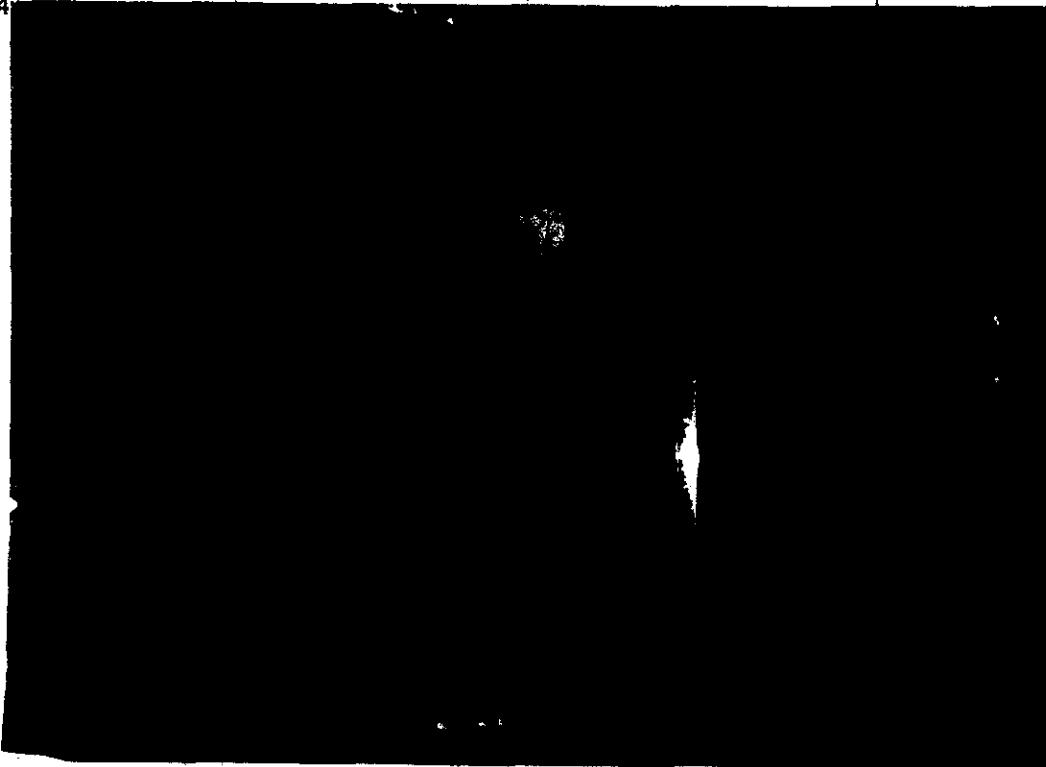
[फा. सं. डब्ल्यू एम-21(81)/2007]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th February, 2008

S.O. 1851.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "STPL-TB" series of medium accuracy (Accuracy class-III) and with brand name "INNOVA" (herein referred to as the said model), manufactured by M/s. Senseinnova Technologies Pvt. Ltd., # 166, 3rd Cross, 7th Main Bhuvaneswarinagar, T Dasarahalli, Bangalore-560 057 and which is assigned the approval mark IND/09/07/164.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

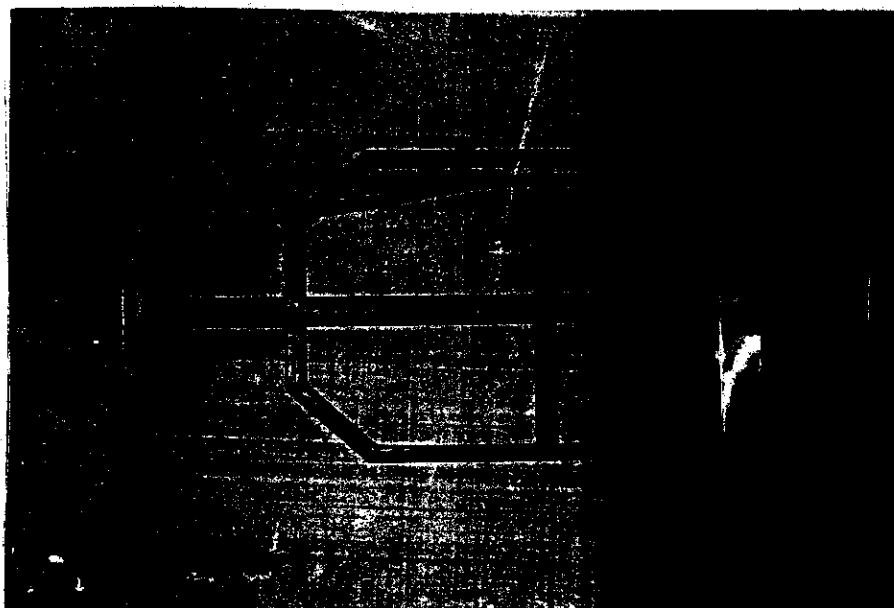
[F. No. WM-21(81) 2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 फरवरी, 2008

का.आ. 1852.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स सेनसिंगोवा टैक्नोलॉजी प्रा.लि. # 166, 3 (थर्ड) क्रास, 7वां मैन भुवनेश्वरीनगर, दी दसराहली, बंगलौर-560 057 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “एस टी पी एल-पी टी” शुंखला के स्वतः सूचक, अंकक सूचन सहित अस्वचालित, तोलन उपकरण (प्लॉटफॉर्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम ‘इनोवा’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विहि आई एन डी /09/07/165 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. है और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्चिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शुंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के ‘ई’ मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्राम से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^4 , 2×10^4 अथवा 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

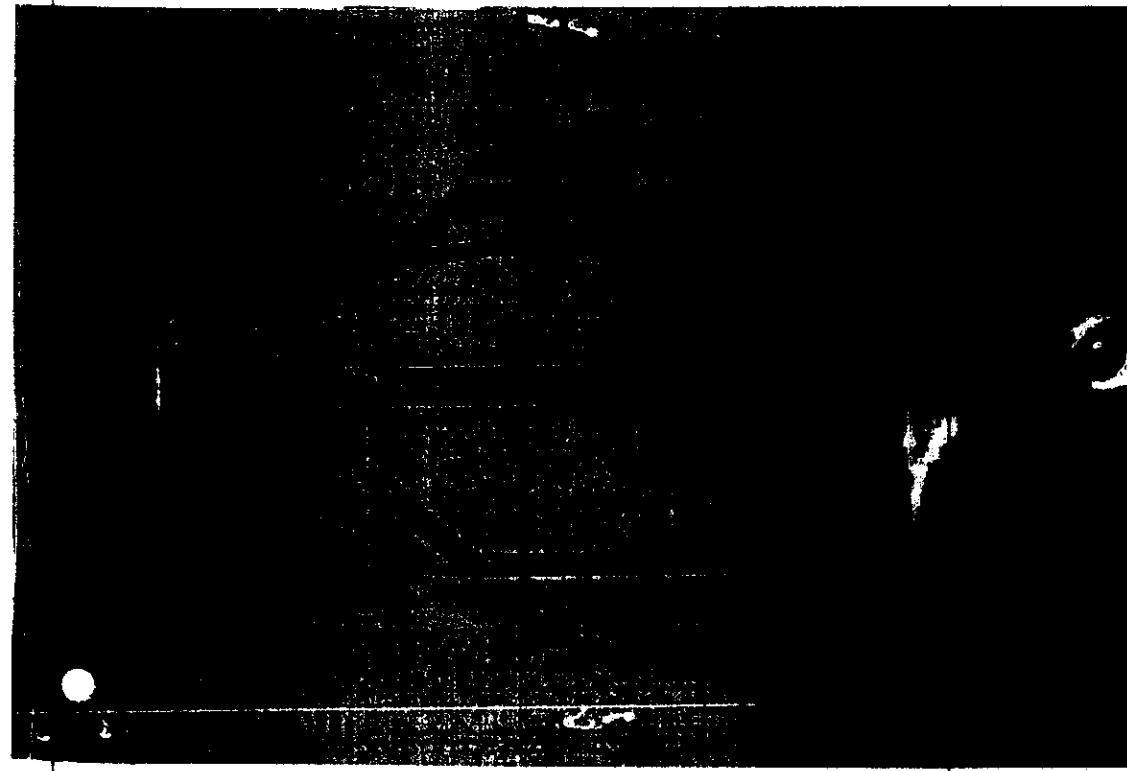
[फा. सं. डब्ल्यू एम-21(81)/2007]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th February, 2008

S.O. 1852.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "STPL-PT" series of medium accuracy (Accuracy class-III) and with brand name "INNOVA" (herein referred to as the said model), manufactured by M/s. Senseinnova Technologies Pvt. Ltd., # 166, 3rd Cross, 7th Main Bhuvaneswarinagar, T Dasarahalli, Bangalore-560057 and which is assigned the approval mark IND/09/07/165;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

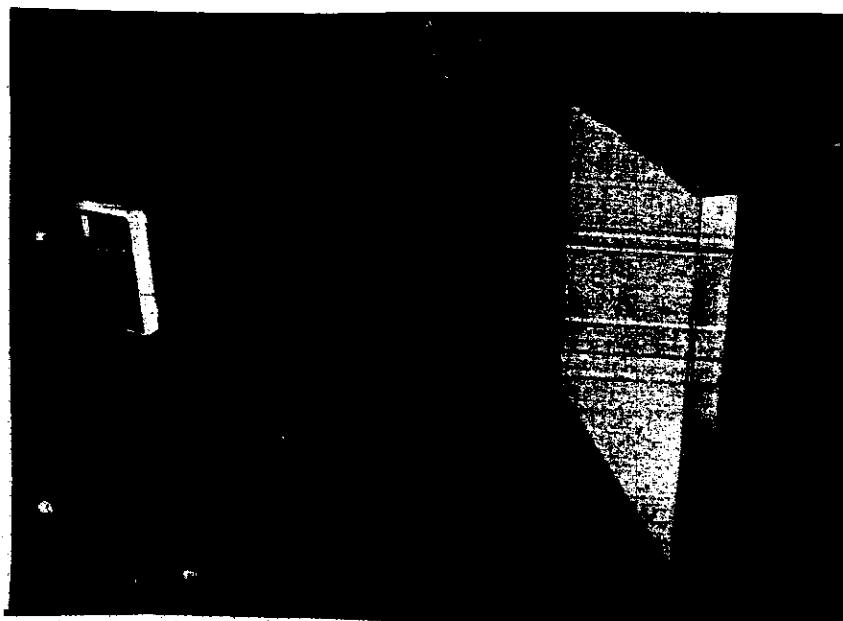
[F. No. WM-21(81)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 फरवरी, 2008.

का.आ. 1853.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्यांतों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स आर. के. ट्रेडर, रेलवे फाटक के पास, जिला अनुपूर, अस्पताल रोड, मध्य प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एस पी” शृंखला के स्वतः सूचक, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सरटैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/163 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि. ग्रा. है और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्याप्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपेंग प्लेट के मुद्रांकन के अंतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्द्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम से 5000 कि.ग्रा. तक की अधिक क्षमता वाले हैं और 'ई' मान 1×10^6 , 2×10^6 , 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

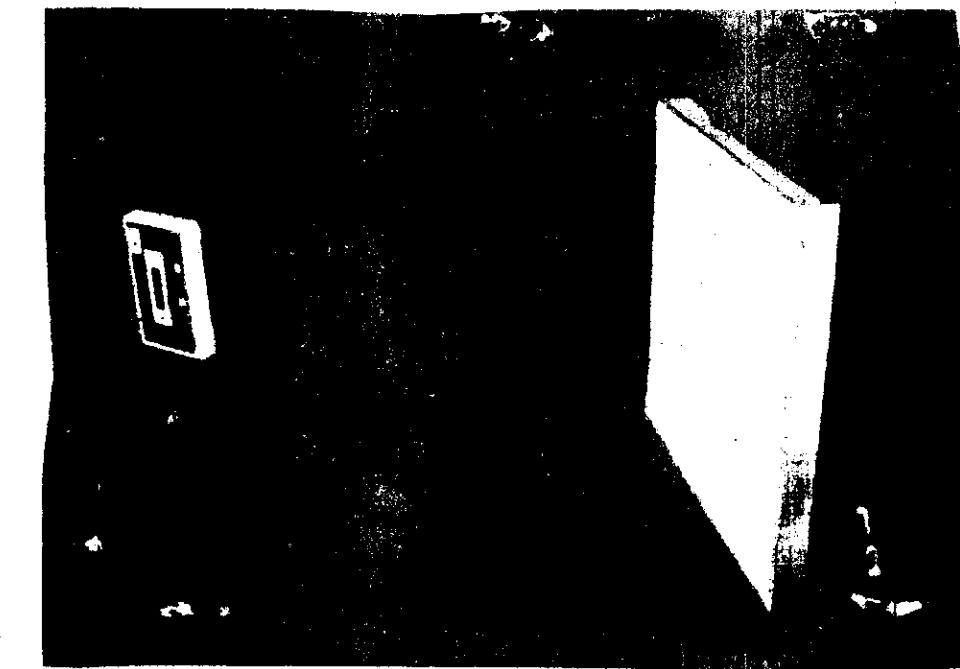
[फा. सं. डब्ल्यू एम-21(68)/2007]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th February, 2008

S.O. 1853.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SP" series of medium accuracy (Accuracy class-III) and with brand name "SIRTECH" (herein referred to as the said model), manufactured by M/s. R. K. Traders, Near Railway Fatak, Anupur Distt., Hospital Road, Anupur, M.P. and which is assigned the approval mark IND/09/07/163.



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 200 kg and minimum capacity of 400 g. The verification scale interval (e) is 20g. It has a tare device with 100 per cent subtractive readout effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volt, 50 Hertz alternative current power supply.

In addition to sealing the stamping, the sealing shall also be applied on the opening of the machine for fraudulent practices and model shall not be modified in terms of its materials, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 200 kg up to 5000 kg and with model no. 1000, verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^4 , 2×10^4 or 5×10^4 , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

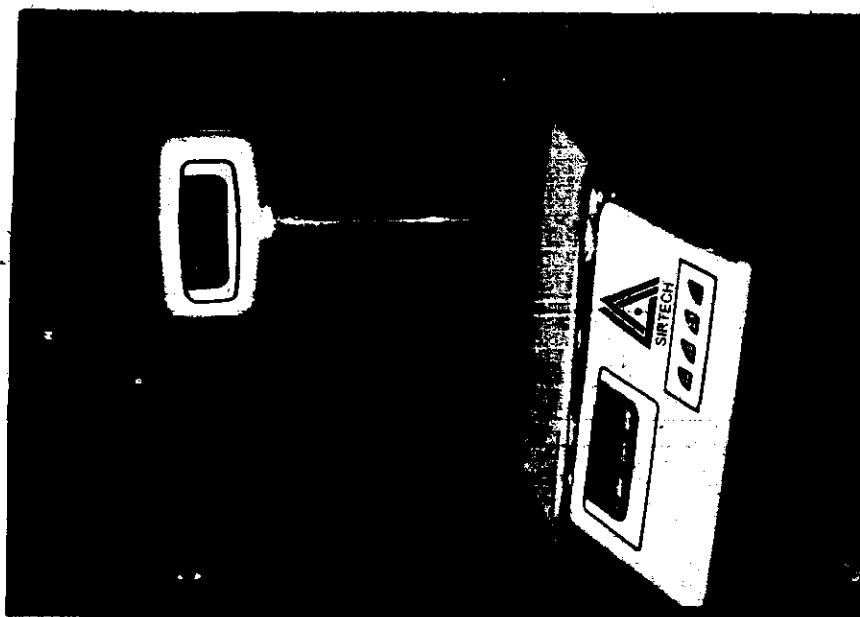
[F. No. WM-21(68)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 फरवरी, 2008

का.आ. 1854.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स आर. के. ट्रेडर, रेलवे फाटक के पास, जिला अनुपूर, अस्पताल रोड, मध्य प्रदेश द्वारा विनिर्भित उच्च यथार्थता (यथार्थता वर्ग II) वाले “एस टी” शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम ‘सरटैक’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/162 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (टेबल टाप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी), प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्भित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के ‘ई’ मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

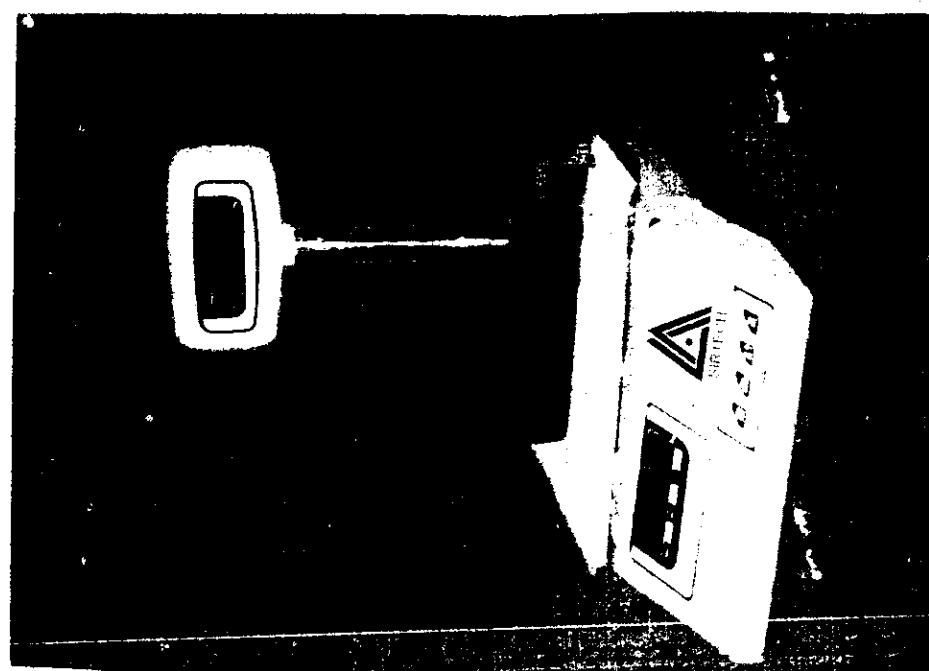
[का. सं. डब्ल्यू एम-21(68)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th February, 2008

S.O. 1854.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "ST" series of high accuracy (Accuracy class-II) and with brand name "SIRTECH" (herein referred to as the said model), manufactured by M/s. R. K. Traders, Near Railway Fatak Anupur Distt., Hospital Road, Anupur, M. P. and which is assigned the approval mark IND/09/07/162.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20 kg and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

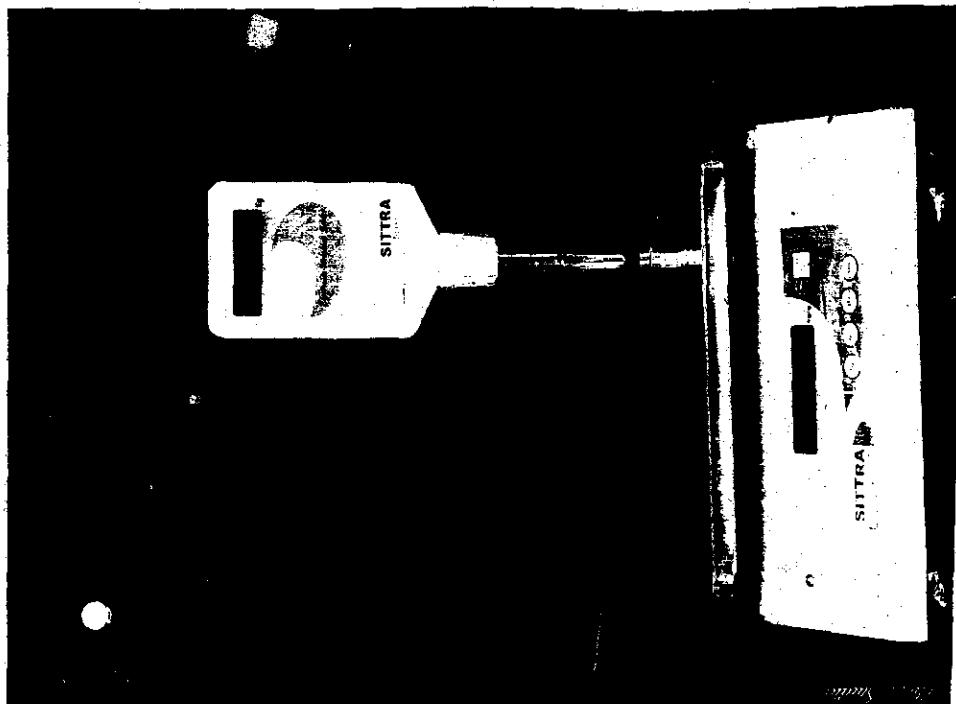
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(68)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 फरवरी, 2008

का.आ. 1855.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स वंदना एंड कम्पनी, नं. 18/13, वरदाचेरी लेन, कालीयपा स्ट्रीट, छुलई, चैनई-600112 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "वी सी-जेपी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'सित्रा' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/244 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्टिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

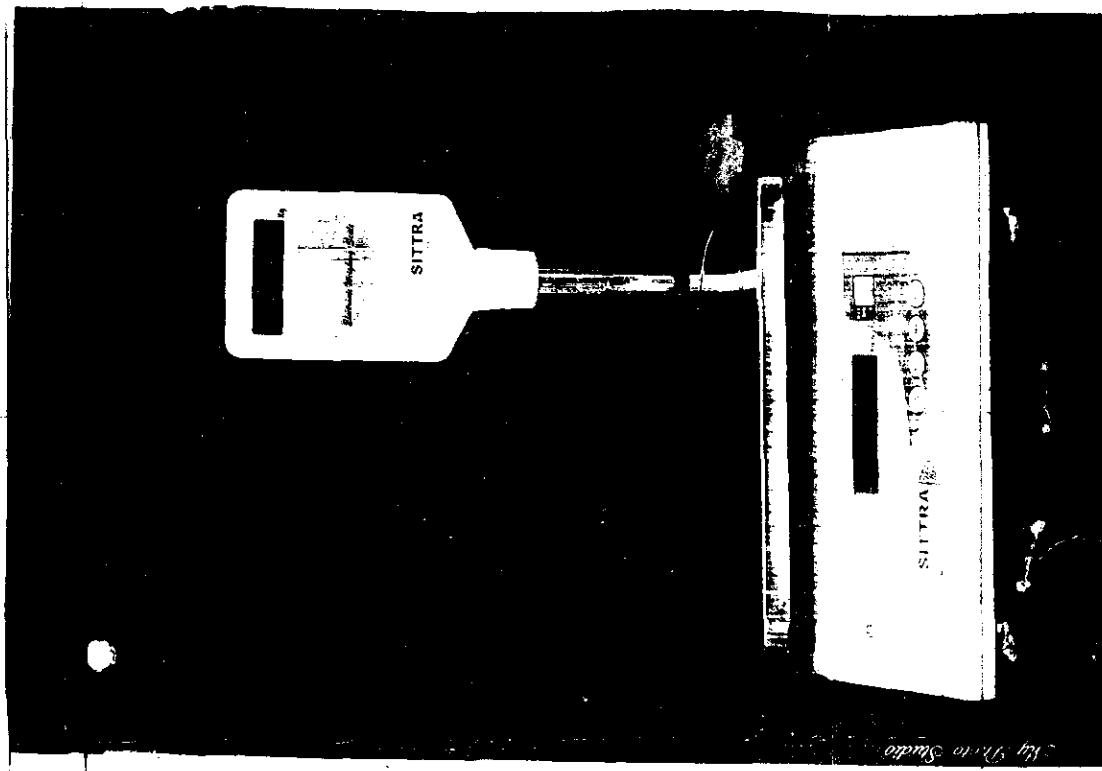
और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के 'ई' मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 अथवा 5×10^3 , के हैं, जो धनात्मक या क्रणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(126)/2007]
आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th February, 2008

S.O. 1855.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (12) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "VC-JP" series of high accuracy (Accuracy class-II) and with brand name "SITTRA" (herein referred to as the said model), manufactured by M/s. Vandana A & Co, No. 18/13, Varadachari Lane, Kaliyappa Street, Choolai, Chennai-600 112 and which is assigned the approval mark 1855/9/07/244.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

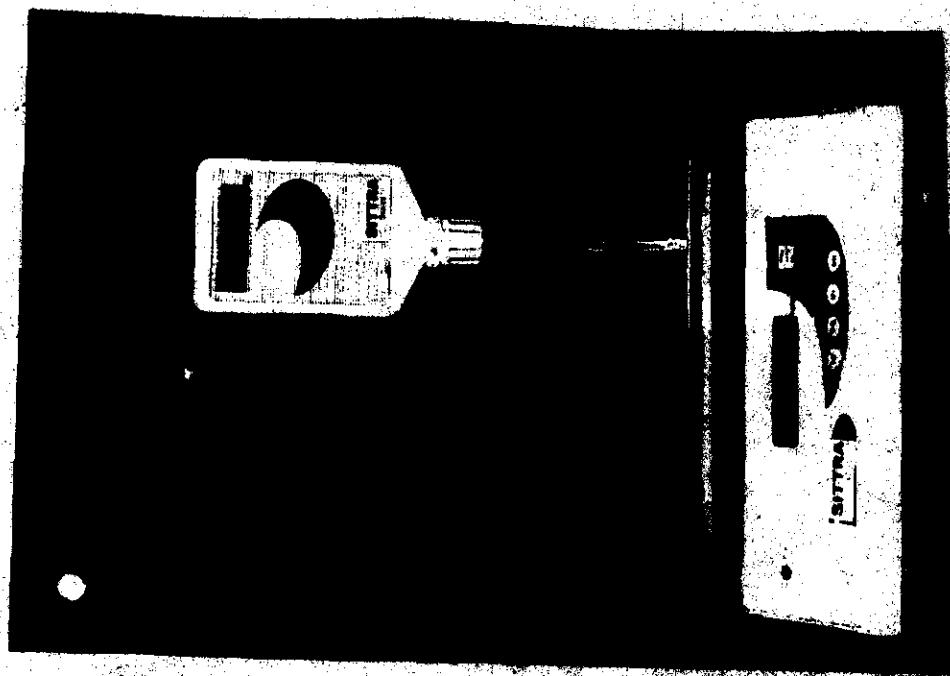
[F. No. WM-21 (126)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 फरवरी, 2008

का, आ. 1856.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और मूल मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थत बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए ऐससे वंदना एंड कम्पनी, नं. 18/13, वरदाचीरी लेन, कालीयपा स्ट्रीट, क्लूलैंड, चेन्नई-600112 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “बीसी-टीबी” शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ग्रांड का नाम ‘सितरा’ है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न अई एन डी /09/07/245 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापदान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शर्त प्रतिशत अव्यवहार्यतम भास्ति आधेयतुलन प्रभाव है। प्रकाश उत्तर्जक डायोड (एल ई डी) विद्युत तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ज प्रत्याकर्ता धारा विद्युत व्यवस्था पर कार्य करता है।

स्टॉरिंग प्लेट के मुद्रांकन के अस्तिरिक्त मरमीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किंट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रस्तुत रिपोर्ट के अंतर्गत उसी विनिर्मित द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के 'ई' मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापदान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापदान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^8 , 2×10^8 अथवा 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(126)/2007]

आर. माधुरद्वृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18 February, 2008

S.O. 1856.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "VC-TB" series of medium accuracy (Accuracy class-III) and with brand name "SITTRA" (herein referred to as the said model), manufactured by M/s. Vandana & Co, No. 18/13, Varadachari Lane, Kaliyappa Street, Choolai, Chennai-600 112 and which is assigned the approval mark IND/09/07/245.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. and with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

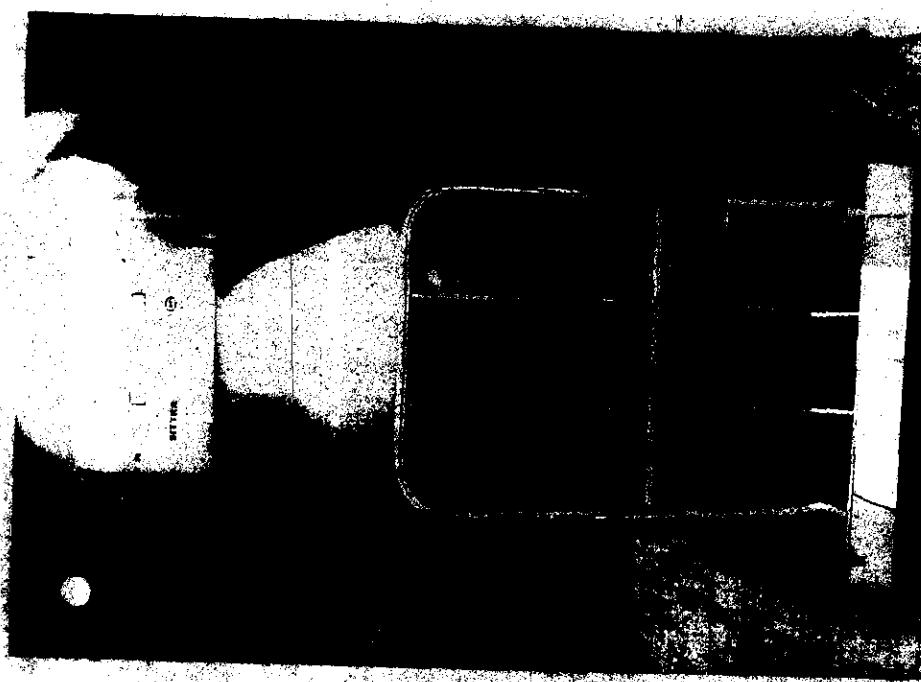
[F. No. WM-21 (126)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई लैसलौ, 18 फरवरी, 2008

का.आ. 1857.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसी प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बंदना एंड कम्पनी, नं. 18/13, वरदाचेरी लेन, कालीयप्पा स्ट्रीट, छुलई, चेन्नई-600112 द्वारा विनिर्मित इच्छ्य यथार्थता (यथार्थता वर्ग II) वाले "बीसी-पीपी" शृंखला के अंकक सूचन सहित, स्कॉट: सूचक, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ड्राइंड का नाम 'सितरा' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/246 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि. ग्रा. है और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सकिंट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनियाता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. गा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 अथवा 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

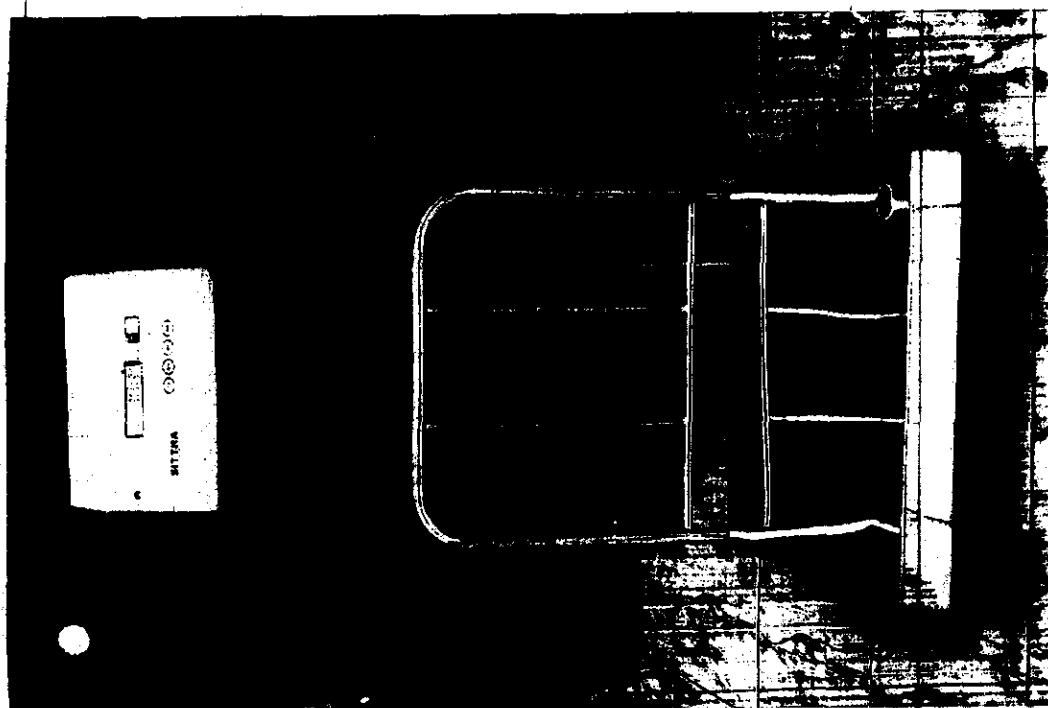
[फा. सं. इल्यू एम-२।(126)/2007]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th February, 2008

S.O. 1857.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of "VC-PP" series of high accuracy (Accuracy class-II) and with brand name "SITTRA" (herein referred to as the said model), manufactured by M/s. Vandana A & Co, No. 18/13, Varadachari Lane, Kaliyappa Street, Choolai, Chennai-600 112 and which is assigned the approval mark IND/09/07/246;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 600 kg. and minimum capacity of 2.5 kg. The verification scale interval (e) is 50g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and upto 5000kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

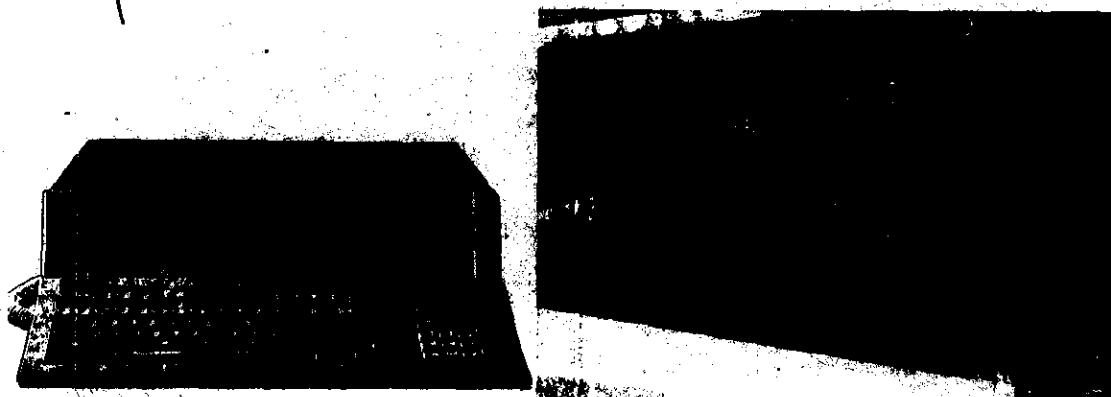
[F. No. WM-21(126)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 फरवरी, 2008

का,आ. 1858.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा शक्तियों को प्रयोग करते हुए मैसस लोटस स्कैल्स एंड सिस्टम्स, फ्लेट 410, प्रशांत टावर्स, मुशीराबाद, हैराबाद-20 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 111) वाले "लोटस" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (मल्टी लोड सेल प्रकार का इलेक्ट्रॉनिक बेंजिङ) के मॉडल का, जिसके ब्रांड का नाम "एल एस-95" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/276 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;



उक्त मॉडल मल्टी लोड सेल आधारित वे ब्रिज प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन है और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 कि. ग्रा. है। इसमें एक आधेयतुलन प्रभाव है। जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टारिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनियोगी द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनियोग किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूणिक या शून्य के समतुल्य हैं।

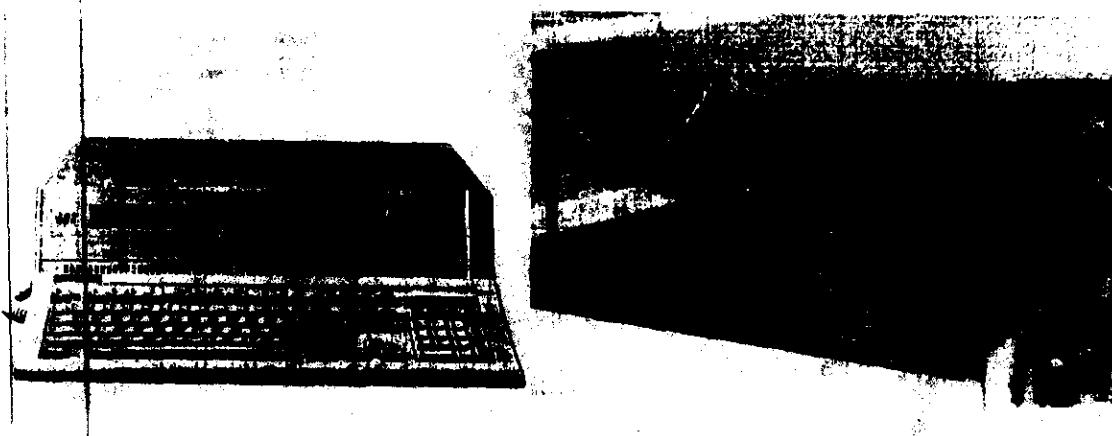
[फा. सं. डब्ल्यू एम-21(136)/2007]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th February, 2008

S.O. 1858.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (multi load cell type electronic weighbridge) weighing instrument with digital indication of "LOTUS" series of medium accuracy (accuracy class-III) and with brand name "LSS-95" (hereinafter referred to as the said model), manufactured by M/s. Lotus Scale & Systems, Flat : 410, Prasant Towers, Musheerabad, Hyderabad-20 and which is assigned the approval mark IND/09/07/276;



The said model is multi load cells based weigh bridge type weighing instrument with a maximum capacity of 60 tonne and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 5 tonne and up to 150 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

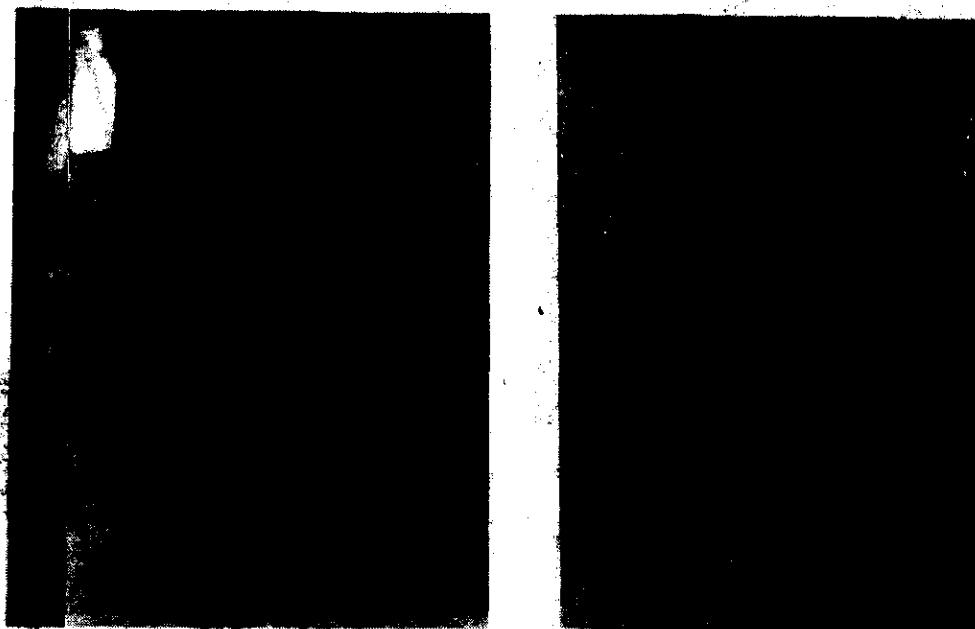
[F. No. WM-21 (136)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1859.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् अह समाधान हो गया है कि उक्त रिपोर्ट में विभिन्न मॉडल (नीचे दी गई अलगूति देखें) बाट और माप मालक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मालक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुकूल है और इस बात की संभावना है कि इसका प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपस्थित सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त स्थितियों को प्रयोग करते हुए, मैसर्स डी एस सिस्टम्स, सम. नं. 3, प्लाट नं. 15/5168 (डी), श्री. मुख्य भवन, सी. टी. एस. एड, कल्पन स्कोर्स, भुवनेश्वर-751 006 द्वारा द्वारा विभिन्न व्यक्ति यथार्थता (विवरण वर्ष 1986) द्वारा “ही दी जी” श्रृंखला के अंतर्गत सूचन सिद्धि अस्वाधित तोलन उपकरण (विवरण कवर्सन किट प्रकार) के मॉडल बना, जिसके लाएं का नाम “किट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा जाये है) और जिसे अनुमोदन किए अर्ह एन डी/09/07/310 सम्पुद्दित किया जाये है, अनुमोदन प्रकार जारी करती है;



उक्त मॉडल एक विकृत नेज प्रकार का भार सेवा आधारित अस्वाधित (वेग्रिज कन्वर्सन किट प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमाल अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका भार प्रतिशत व्यक्तिमालक भारीत आधेयतुलन प्रभाव है। द्रव क्रिस्टल डायोड (एल सी डी) प्रदर्शन तोलन यथावधि उपकरण करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती भार विद्युत प्रदाय पर कार्य करता है।

स्टॉमिक एस्ट के मुद्राकरण के अस्वाधित मरीज को कमटपूर्ण व्यवहारों के लिए खोलने से सेवन के लिए सीलिंग भी किया जाता और मॉडल को बिज्जी से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम नियन्त्रण सिद्धांत अदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त स्थितियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल बना विनिर्माण किया जाये है, विनिर्माता उसी श्रृंखला के वैश्वीकृत यथार्थता और कार्यपालक के तोलन उपकरण भी होंगे जो 5 मा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमाल अंतराल (एन) सिद्धि 5 टन से अधिक और 100 टन तक जी अस्वाधित करने वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो भवित्वक या त्रहात्मक सूचीक या मूल्य के समान्तर हैं।

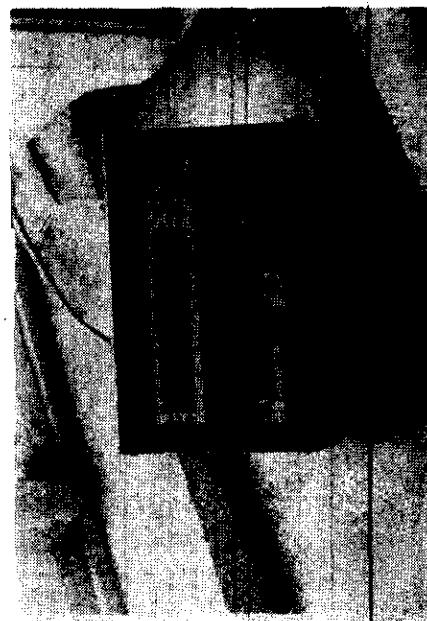
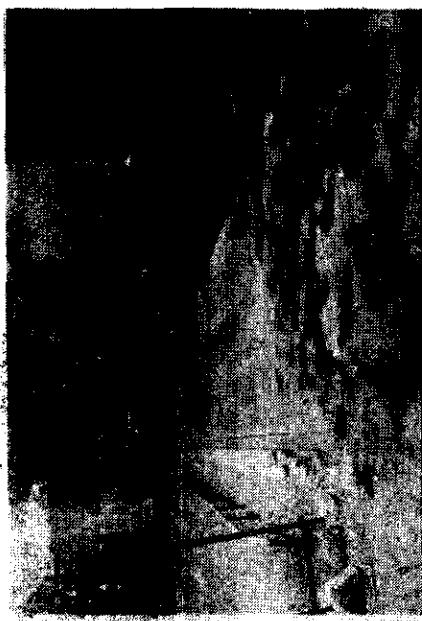
[प्र. सं. उद्यू. एम-21(157)/2007]

आर. माधुर्याधाम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1859.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (weigh bridge conversion kit type) with digital indication of "VTC" series belonging to medium accuracy (Accuracy class-III) and with brand name "VISHAY" (herein referred to as the said model), manufactured by M/s. D S Systems, Room No. 3, Plot No. 15/5168-C, Sri Krishna Bhawan, CTC Road, Kalpana Square, Bhubaneswar-751 006, Orissa and which is assigned the approval mark IND/09/07/310;



The said model is a strain gauge type load cell based non-automatic weighing instrument (weigh bridge conversion kit type) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Liquid Crystal Diode (LCD) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (157)/2007]

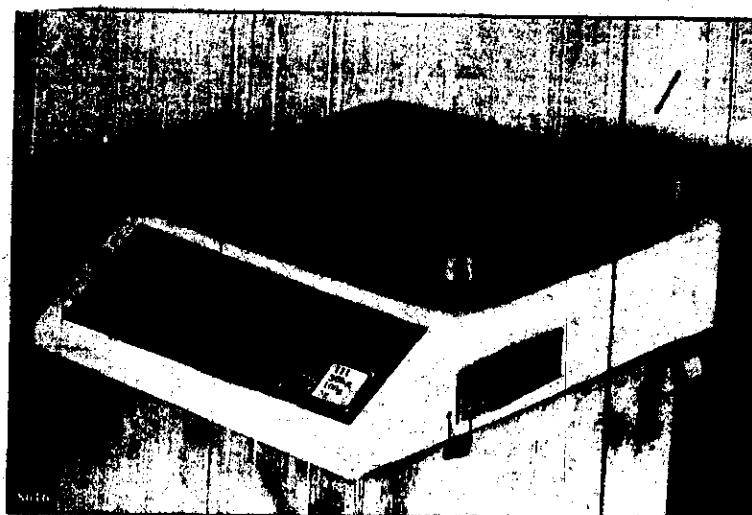
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1860.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रसुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सफाल्या वेइंग सिस्टम्स, प्लाट नं. 13, प्रताप कालोनी, समर्थ नगर, ग्राम पंचायत, रहीमपुर रोड, सतारा-415 004 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डी जी टी” शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “डीजी ओनिडा” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/361 समनुदर्शित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जहां पर के धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (199)/2007.]

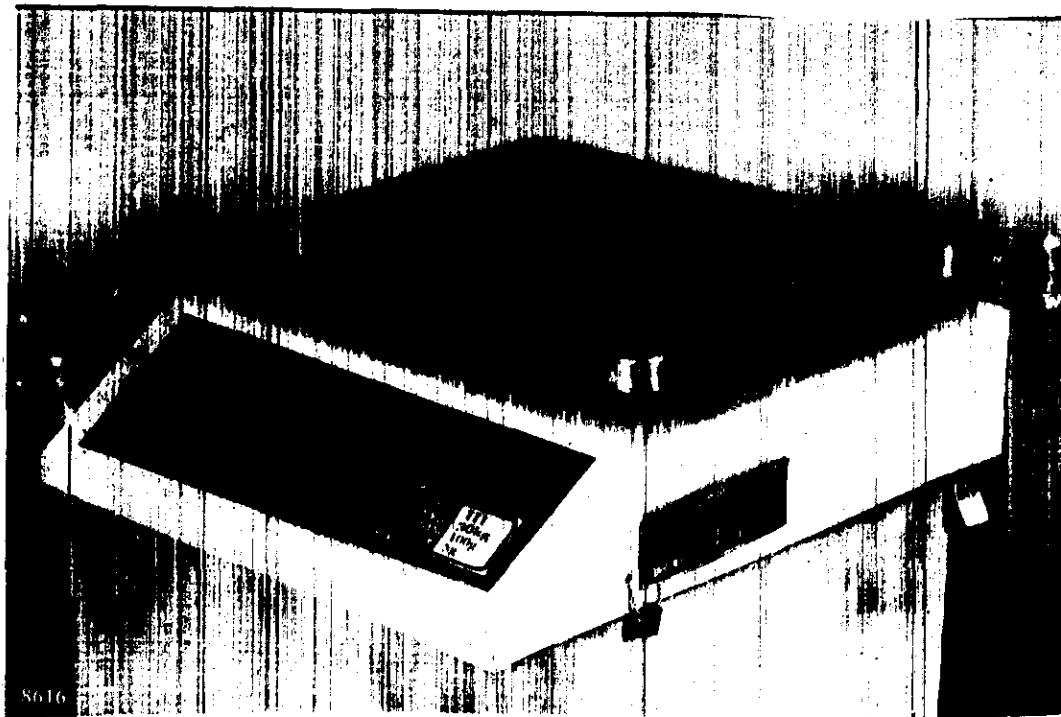
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1860.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "DGT" series of medium accuracy (accuracy class-III) and with brand name 'DIGI-ONIDA' (herein referred to as the said model), manufactured by M/s. Saphalya Weighing System, Plot No. 13, Pratap Colony, Samarth Nagar, Gram Panchait, Rahimatpur Road, Satara-415 004, Maharashtra and which is assigned the approval mark IND/09/07/361;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (199)/2007]

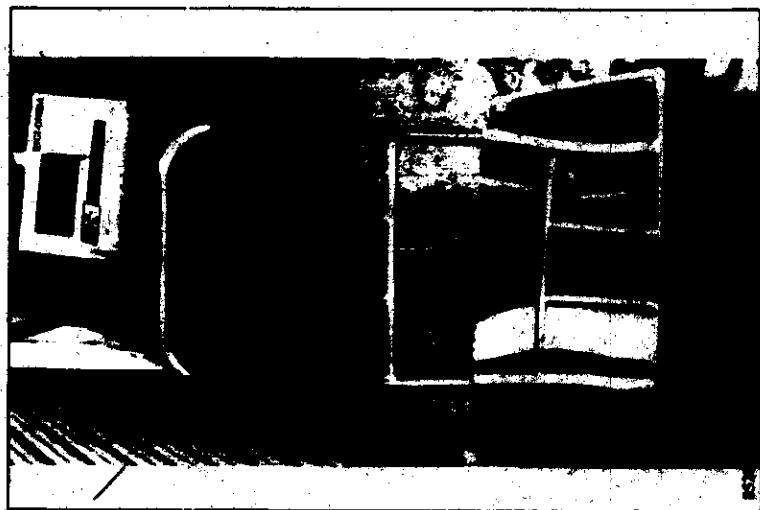
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1861.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सुफाल्या वेइंग सिस्टम्स, प्लाट नं. 13, प्रताप कालोनी, समर्थ नगर, ग्राम पंचायत, रहीमपुर रोड, सतारा-415 004 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-111) वाले “डी जी पी” शृंखला स्वतः सूचक, के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफर्म प्रकार) के मॉडल का, जिसके ब्राउंड का नाम “डीजी ओनिडा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/362 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विविरिता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 अथवा 5×10^8 , के हैं, जहां पर के धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(199)/2007]

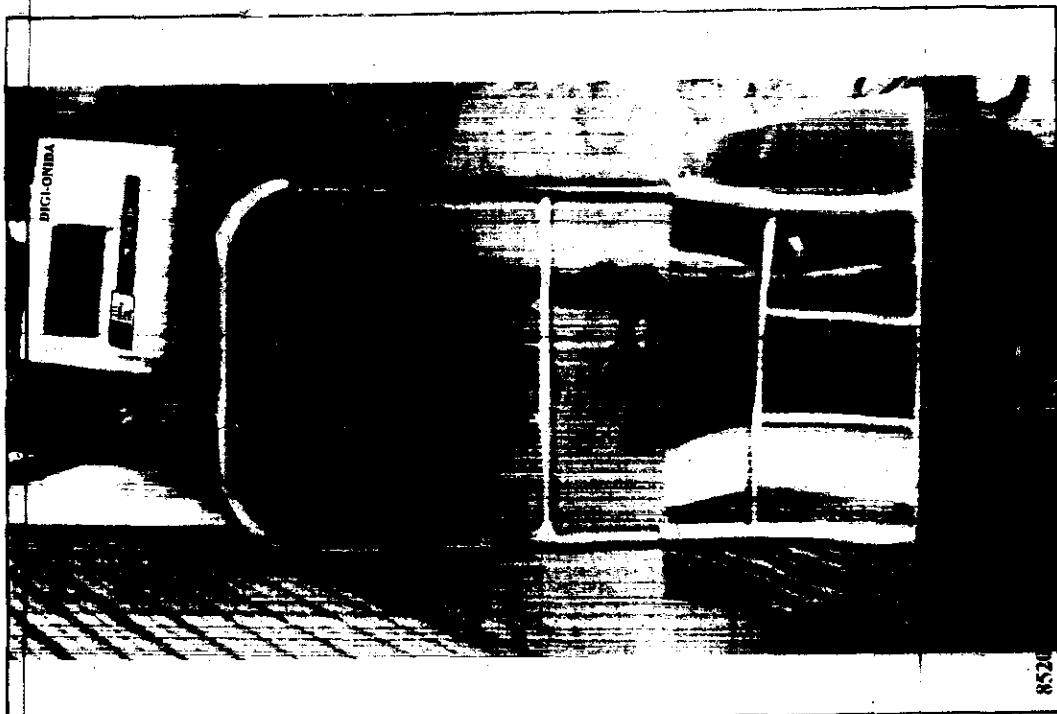
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1861.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self indicating, non-automatic (Platform type) weighing instrument with digital indication of "DGP" series of medium accuracy (accuracy class-III) and with brand name "DIGI-ONIDA" (herein referred to as the said model), manufactured by M/s. Saphalya Weighing Systems, Plot No. 13, Pratap Colony, Samarth Nagar, Gram Panchait, Rahimatpur Road, Satara-415 004, Maharashtra and which is assigned the approval mark IND/09/07/362;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(199)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 4 जुलाई, 2008

का.आ. 1862.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 228 (भाग 1): 1987 इस्पात के रासायनिक विश्लेषण की पद्धतियां (भाग 1) आयतनी पद्धति द्वारा कार्बन ज्ञात करना (0.05 से 2.50 प्रतिशत कार्बन के लिए) (तीसरा पुनरीक्षण)	संशोधन संख्या 1, जून, 2008	30 जून, 2008

इन संशोधनों की प्रतियां भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तरापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 4/टी-215]
डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 4th July, 2008

S.O. 1862.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standard(s) amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 228 (Part 1): 1987 Method for chemical analysis of steels (Part 1) Determination of carbon by volumetric method (for carbon 0.05 to 2.50 per cent), (third revision)	Amendment No. 1, June, 2008	30 June, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bhadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-215]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 4 जुलाई, 2008

का.आ. 1863.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गये हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
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(1)	(2)	(3)	(4)
1.	आई एस 15775 : 2008 अविनाशी परीक्षण से संबंधित सिग्नल विश्लेषण हेतु शब्दावलियाँ	—	30 जून, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तरपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 21/टी-67]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 4th July, 2008

S.O. 1863.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	and year of the Indian Standards No. Established	No. and year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15775 : 2008 Glossary of terms for signal analysis related to Non-destructive testing	—	30 June, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bhadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 21/T-67]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 4 जुलाई, 2008

का.आ. 1864.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानकों में संशोधन किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1077 : 1992	1, मई 2008	31 मई, 2008
2.	आई एस 5454 : 1978	1, मार्च 2008	31 मार्च, 2008
3.	आई एस 13757 : 1993	1, मार्च 2008	31 मार्च, 2008

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तरपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 4th July, 2008

S.O. 1864.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect	
(1)	(2)	(3)	(4)
1. IS 1077 : 1992	1, May 2008	31 May, 2008	
2. IS 5454 : 1978	1, March 2008	31 March, 2008	
3. IS 13757 : 1993	1, March 2008	31 March, 2008	

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bhadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 7 जुलाई, 2008

का.आ. 1865.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह वे स्थापित हो गया है :

अनुसूची

क्रम स्थापित भारतीय मानक (कों) की संख्या,	नये भारतीय मानक द्वारा अतिक्रमित स्थापित तिथि		
संख्या वर्ष और शीर्षक	भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष		
(1)	(2)	(3)	(4)
1. आई एस/आई ई सी 60034-5 : 2000 धूर्णी विद्युत मशीनें भाग 5 धूर्णी विद्युत मशीनों (आई पी कोड) के अभिन्न डिजाइन द्वारा प्रदत्त ¹ सुरक्षा की कोटि – वर्गीकरण (दूसरा पुनरीक्षण)	—	31 मई, 2008	

इस भारतीय मानक की एक प्रति भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुबनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 15/टी-16]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 7th July, 2008

S.O. 1865.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of India Standards hereby notifies an Indian Standard to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/IEC 60034-5 : 2000 Rotating electrical machines Part 5 Degrees of protection provided by the integral design of rotating electrical machines (IP Code)—Classification (Second Revision)	—	31 May, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bhadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 15/T-16]

P. K. MUKHERJEE, Scientist 'F' & Head (Electro Technical)

नई दिल्ली, 8 जुलाई, 2008

का.आ. 1866.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	अई एस 814 : 2004 हस्त्य धातु आर्क वेलिंग के लिए आवृत्त कार्बन और कार्बन मैग्नीज इस्पात इलैक्ट्रोड-विशिष्टि (छठा पुनरीक्षण)	संशोधन संख्या 2 मार्च, 2008	2 जुलाई, 2008

इन संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, ओपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तरपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 11/टी-21]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 8th July, 2008

S.O. 1866.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standard(s) and amendment(s)	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 814 : 2004 Covered electrodes for manual metal arc welding of carbon and carbon manganese steel—Specification (Sixth revision)	Amendment No. 2 March, 2008	2 July, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bhadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata; Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 11/T-21]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 10 जुलाई, 2008

का.आ. 1867.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988, के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एंतद्वारा अधिसूचित करता है कि के लाइसेंस जिनके विवरण नीचे अनुसूची में दिए गए हैं को उनके आगे दर्शाए गई तिथि से जारी कर दिया गया है :

अनुसूची

क्रम संख्या	लाइसेंस संख्या	वैधता की तिथि	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम संबद्ध भारतीय मानक सहित	6
1	2	3	4	5	
1.	7839704	28-04-2009	प्राइम एन्टरप्राइजेस प्लॉट संख्या एफ-25, एएसबी एडिशनल के पिछे, अंबरनाथ, जिला-थाणे-421502	कारखानों के लिए व्ह-बेल्ट-	2494 (भाग 1) : 1994
2.	7838193	16-04-2009	दिशा बेल्टरेजेस यूनिट संख्या-9, तल मैजिला, विनेश्वरा इंडस्ट्रियल ईस्टेट, बिलालपाड़ा, तालुका-वसई, जिला-थाणे	पैकेजबंद पेयजल	14543 : 2004

[सं. के प्र. वि/13 : 11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 10th, July, 2008

S.O. 1867.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Validity Date	Name and Address (factory of the Party)	Product	IS No/Part/Sec. Year
1	2	3	4	5	6
1.	7839704	28-04-2009	Prime Enterprises Plot No. F-25, Behind ASB Additional Ambarnath Distt Thane-421502	V-Belts-Endless V-Belts for Industrial Purposes-Part 1 : General Purpose	IS 2494 : Part 1: 1994
2.	7838193	16-04-2009	Disha Beverages Unit No. 9 Ground Floor Vigneshwara Indl. Estate Bilalpada Tal: Vasai Distt Thane	Packaged Drinking Water (other than Packaged Natural Mineral Water)	IS 14543 : 2004

[No. CMD/13 : 11]

P. K. GAMBHIR, Dy. Director General (Marks)

कोयला मंत्रालय

नई दिल्ली, 15 जुलाई, 2008

का.आ. 1868.—कोयलाधारी क्षेत्र (अधिग्रहण एवं विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, मुद्रण निदेशालय से पुष्टि किए जाने के पश्चात् दिनांक 10 मई, 2008 के भारत के राजपत्र के भाग-II, खण्ड-3, उपखण्ड (ii) में प्रकाशित कोयलाधारी क्षेत्र (अधिग्रहण एवं विकास) अधिनियम, 1957 के खण्ड 7(1) के तहत अधिसूचना के हिंदी रूपांतर को क. आ. संख्या को “का.आ. 1526” के स्थान पर “का.आ. 1026” के रूप में एतद्वारा अधिसूचित करती है।

[फा. सं. 43015/2/2007-पीआरआईडब्ल्यू-I]

एम. शाहबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 15th July, 2008

S. O. 1869.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government, after confirmation from Directorate of Printing, hereby amends the S.O. number of Hindi version of the notification under Section 7(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957, published in Gazette of India, Part-II, Section 3, Sub-section (ii) dated 10th May 2008 as “का.आ. 1026” in place of “का.आ. 1526”.

[File No. 43015/2/2007-PRIW-J]

M. SHAHABUDEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 जुलाई, 2008

का.आ. 1869.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 2241 दिनांक 10 अगस्त, 2007 का आंशिक आशोधन करते हुए श्री एस. के. ब्रह्मभट, उप-जिलाधिकारी, सरदार सरोवर पुनर्स्थापन एजेंसी-1, वडोदरा, गुजरात सरकार को, भारत ओमान रिफाइनरीज लिमिटेड की सेन्ट्रल इंडिया रिफाइनरी परियोजना से संबंधित वाडीनार (गुजरात) से बीना (मध्य प्रदेश) तक की देशव्यापी क्रूड पाइपलाइन के लिए, सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए, उक्त अधिनियम के अधीन, गुजरात राज्य के राज्य क्षेत्र के भीतर, प्राधिकृत करती है।

[फाइल सं. 31015/1/2007-ओ आर-II]

ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th July, 2008

S. O. 1869.—In partial modification of notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2241 dated the 10th August, 2007 and in pursuance of Clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby authorises Shri S.K. Brahmbhatt, Dy. Collector, Sardar Sarovar Rehabilitation Agency-I, Vadodara, Government of Gujarat to perform the functions of the competent authority under the said Act, for cross country crude pipeline from Vadinar (Gujarat) to Bina (Madhya Pradesh) of Bharat Oman Refineries Limited's Central India Refinery Project, within the territory of State of Gujarat.

[File No. 31015/1/2007-OR-II]

A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय
नई दिल्ली, 20 जून, 2008

का. आ. 1870.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार-सेंट्रल बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय इरनाकुलम के पंचाट (संदर्भ संख्या 332/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/59/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 20th June, 2008

S. O. 1870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 332/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court Ernakulam, as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 20-6-2008.

[F. No. L-12012/59/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM
Present : Shri P.L.Norbert, B.A., LL.B., Presiding Officer
(Thursday the 12th day of June 2008/22nd Jyashtha 1930)

I.D.332 OF 2006

(I.D.35/2003 of Labour Court, Ernakulam)

Workman : P.A.Cleetus,
Parambiloth House,
Manikkath Cross Road,
Ravipuram, Kochi - 682 016.
By Advocate Manoj R.Nair.

Management : The Regional Manager,
Central Bank of India,
Regional Office, Kochi - 682 016.

By Advocate E. R. Venkiteswaran.

This case coming up for bearing on 12-06-2008, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

“Whether the dismissal of service of Shri P.A.Cleetus by the Management of Central

Bank of India was legal or not? If not, what are the benefits the applicant is entitled to?”

2. The case was pending originally before State Labour Court and was transferred to this Court as per the order of Hon'ble High Court of Kerala in 2007. On notice both sides entered appearance. They have also filed their pleadings. But when the case was posted for evidence the worker remained absent continuously and the counsel also remained absent. Hence it has to be presumed that there is no existing dispute for adjudication. The enquiry file produced by the management is marked as Ext.MI.

In the result, an award is passed finding that the action of the management in dismissing Shri.P.A.Cleetus from service is legal and justified and he is not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 12th day of June, 2008.

P. L. NORBERT, Presiding Officer

Appendix : Nil.

नई दिल्ली, 20 जून, 2008

का. आ. 1871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इंशोरेन्स कॉर्पोरेशन ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय इरनाकुलम के पंचाट (संदर्भ संख्या 162/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-6-2006 को प्राप्त हुआ था।

[फा. सं. एल-17011/16/2000-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 20th June, 2008

S. O. 1871— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 162/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court Ernakulam, as shown in the Annexure, in the industrial dispute between the management of Life Insurance Corporation of India and their workmen, received by the Central Government on 20-6-2008.

[F. No. L-17011/16/2000-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM
Present : Shri.P.L.Norbert, B.A., LL.B., Presiding Officer
(Thursday the 27th day of March 2008/7th Chaithra 1930)

I.D. 162 of 2006**(I.D. 36/2001 of Industrial Tribunal, Kollam)**

Union : The General Secretary, Insurance Workers Organisation, Mithila, Palace Road, Ulloor, Thiruvananthapuram.
 By Adv.Sri Sasidharan Chenpazhanthiyil.

Management : The Divisional Manager, Life Insurance Corporation of India, Divisional Office, Pattom, Thiruvananthapuram.
 By Adv.Sri.G.S.Kalkura.

This case coming up for final hearing on 18-03-2008, this Tribunal cum-Labour Court on 27-03-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act, 1947. The reference is :

“Whether the action of the management of Life Insurance Corporation of India in relation to their Trivandrum Divisional Office in not treating Shri S. Udayakumar, Caretaker/Attendant of LIC Guest House, Pattom as a regular employee of the LIC of India is legal and justified? If not, what relief the concerned workman is entitled to?”

2. The facts of the case in brief are as follows:- Shri S. Udayakumar the workman in this case has raised the dispute through union claiming regularisation in service. According to the union the workman was first engaged as class-IV employee on daily wage basis in the O.S. Department (Office Service) of Trivandrum Divisional Office of LIC. In 1992 a new guest house was constructed. Applications were called for the post of Caretaker of guest house. The workman applied and he was selected and was posted as Caretaker on 12-05-1992 on a consolidated pay of Rs. 750. The pay was periodically revised and at present it is Rs.2000. No other employee was engaged in the guest house. The workman was not given any of the benefits of Class-IV regular employees. No leave facility was also given to him. He made several representations for regularisation. The union also took up his case to the management. But the management only fixed the duty hours as 8 hours per day. No other benefits were given and no favourable decision was taken for regularisation.

3. According to the management this court has no jurisdiction to entertain the claim of the union. Shri S.Udayakumar was engaged as an attender of guest house on monthly compensation basis. The initial compensation amount was Rs.750 and was raised from time to time and at present it is Rs.2,000. For selection of class-III and IV employees, there are Recruitment Rules known as 'LIC of India Recruitment (of class III & IV staff) Instructions 1993'. It does not provide for recruitment of guest house attendant. The management can make appointments only according to the recruitment rules and not from the open market. Shri S.Udayakumar is not an employee of the corporation. He is not therefore entitled either for leave facility or for any other benefit enjoyed by regular employees of the corporation. He cannot be considered for regular employment. At no point of time his duty hours were fixed.

4. In the light of the above contentions the following points that arise for consideration are:

1. Is Shri. S. Udayakumar an employee of the management corporation?

2. Is he entitled for regularisation ?

The evidence consists of the oral testimony of WW-1 and documentary evidence of Exts.W1 to W6 series on the side of the union and MW 1 and Exts.M 1 to M7 series on the side of the management.

5. Points No.1 and 2:- It is an admitted fact that Shri S. Udayakumar was engaged in the guest house of LIC, Trivandrum Divisional Office on 12-05-1992 to look after the affairs of the guest house. It is also admitted that the payment was made as a consolidated monthly sum. The remuneration was revised periodically admittedly. The case of the management is that he is not an employee of the management. Whereas the union contends that he is an employee and has been working continuously since 1992. The union describes the worker as Caretaker of the guest house, while the management has designated him as attender. Yet the management contends that there is no post of an attender in LIC and hence he is not an employee of the corporation. Another reason why the management says so is that he is not paid salary or wages, but only a consolidated sum as compensation. When MW1 was in the box he has stated that Shri.S.Udayakumar is neither a temporary staff nor a permanent staff nor a part time staff. He also says that Shri S. Udayakumar is not engaged on contract basis.

6. There can be no quarrel that appointment is neither regular nor temporary, nor casual, nor contractual. It is not heard in labour parlance about payment of remuneration to a worker as compensation. It is not known what is up the sleeves of the management in using the terminology 'compensation'. Whatever that be the worker belongs to one of the classes known to labour field. According to MW 1 the worker is neither a permanent nor a temporary

nor a part-time employee. The worker has no case that he is a permanent employee. He has also no case that he is a part time employee. If he was a contractual employee there should have been an agreement between the parties regarding terms and conditions of service. The contract should have been renewed from time to time. There is no such case for both parties or evidence on record. He can therefore be only temporary or a casual employee who could be paid either on daily wage basis or by way of consolidated sum in a month. The worker says that when the new guest house was constructed in 1992 applications were invited for selection of Caretaker for the guest house. Accordingly he applied and he was selected. Management does not say anything about the notification calling for applications. But management has produced Ext.M 1 which is described as an application of the worker as Attender of guest house. Worker has admitted that Ext.M 1 was the application given by him on 11-5-1992 for the post of Caretaker. The application was submitted to the Sr. Divisional Manager, Trivandrum Division of LIC. In the application he expresses his willingness to work as caretaker on consolidated compensation of Rs. 750 per month if he is given the job. Therefore the post for which he applied was that of Caretaker, no doubt on compensation basis. The worker should have used the word 'compensation' as per the requirement of the management. The documents produced by the union will show that the worker was designated as Caretaker and not as Attender. Ext.W1 series are letters addressed by officers of LIC to the workman either in his name or by his designation as Caretaker for the purpose of making arrangements for the guests arriving on different dates. Ext.W2 series are payment vouchers for paying remuneration to the worker. Ext.W3 series are out-passes issued to the worker for removing certain articles from the guest house. Ext.W4 series are requests made by worker to the LIC authorities for repairing furniture and other articles of the guest house and for purchasing certain articles. Ext.W5 series are letters of officers of LIC addressed to concerned authority with copies to the worker for the purpose of reserving rooms in the guest house. These documents go to show that the worker is a caretaker of the guest house and not an Attender. Ext.M7 series are payment vouchers produced by the management. They show that Shri.S.Udayakumar is working even now on consolidated payment. Thus the case of the management that he was engaged as 'Attender' is not true as he was designated as 'Caretaker' of the guest house, no doubt on consolidated payment described as 'compensation'. Whatever be the nature of payment, the employment was either casual or temporary.

7. There is no basis for the contention of the management that he is not an employee of the corporation. No other Attender or Caretaker was ever employed in the guest house since 1992. The work is permanent in nature. MW1 admits that the worker was orally warned by management on some occasions. The officers of the

management were giving directions and instructions to the worker in the discharge of his duties in the guest house. Thus the worker is treated either as a casual employee or a temporary employee. The question is, what is the right such an employee acquires for the purpose of regularisation or absorption in the management. He is a workman within the definition of Section 2(s) of the Industrial Disputes Act. There is an employer-employee relationship between the worker and the management. He has put in long years of service since 1992 and MW1 admits that he has been working continuously in the guest house. It is now about 16 years he has been in the guest house. But he is given only Rs. 2,000 as consolidated sum and nothing more. Though the management contends that he has not been regarded as a staff of LIC still he has been there in the service of LIC for a long period of 16 years. However MW1 says that (Staff) Regulations, 1960 and LIC of India Recruitment (of Class-III and Class-IV Staff) Instructions, 1993 do not apply to the post of either Attender or Caretaker of guest house because the post of Caretaker or Attender of Guest House is not a post within the category of class-IV employees. As per Ext.M4 Recruitment (of Class-III and Class-IV Staff) Instructions, 1993 Annexure-I, post to which recruitment can be made are Assistants, Typists (English), Typists (Hindi and Regional Language), Stenographers, Telephone Operators, Record Clerks, Sweepers, Cleaners, Hamals, Peons, Watchmen, Liftmen and Drivers. At any rate Ext.M4 does not apply to the worker as he was engaged prior to coming into force of Ext.M4. The (Staff) Regulations, 1960 was in force prior to Ext.M4. Ext.M3 is (Staff) Regulations. As per that Schedule-II contains different categories of employees. Class-IV employees are Sweepers, Cleaners, Sepoys, Hamals, Head Peons, Liftmen, Watchmen, Daftaries and Drivers. However no post of Attender or Caretaker is included among class IV employees. The management witness MW1 stated that these Regulations or Rules do not apply to the case of worker as he does not fall under the category of class-IV employees. Ext.M5 is LIC of India (Employment of Temporary Staff) Instructions, 1993. However Ext.M5 instructions also do not apply to the worker as he was selected and engaged on 12-5-1992 prior to Ext.M5 Instructions of 1993. Therefore the appointment of worker whether as Attender or Caretaker is not illegal as at that time there were no rules governing appointment of casual or temporary hands. However I find from Regulation 8 of Chapter II of (Staff) Regulations, 1960 (Ext.M3) that temporary staff can be employed in Class-III and IV posts by Managing Director, Executive Director (Personnel), Zonal Manager or Divisional Manager. But the Rule says by reason of such appointment no person shall be entitled to absorption or claim preference for recruitment to any post. Regulation 8 reads :—

- (1) Notwithstanding anything contained in these Regulations, a Managing Director, Executive Director (Personnel), a Zonal Manager of a

Divisional Manager may employ staff in Classes III and IV on a temporary basis subject to such general or special directions as may be issued by the Chairman from time to time.

(2) No person appointed under sub-regulation (1) shall only by reason of such appointment be entitled to absorption in the service of the Corporation or claim preference for recruitment to any post.

The Regulation however does not prohibit absorption of temporary employees. It only stipulates that the employee cannot claim absorption as of right.

8. The worker has been in service of LIC for the last 16 years. It is an unfair labour practice to continue him in the same status without giving him any kind of benefits due to even temporary employees. The worker is not even given minimum wages. He has been working continuously for the last 16 years for a paltry sum. It is in this context that the observation of Hon'ble Supreme Court in Secretary, State of Karnataka V. Umadevi (2006) 4 Supreme Court Cases (1) becomes relevant. The Hon'ble Supreme Court though has observed in Para 48 of the judgment that there is no fundamental right in those who have been employed on daily wages or temporarily or on contractual basis to claim that they have a right to be absorbed in service, the observation in Para 53 makes a distinction with regard to irregular appointments and continuation of such workers for a long time without regularisation. It is relevant to extract Para 53:

“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V.Narayappa, R.N.Nanjundappa and B.N. Nagarajan and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in case where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub-judice, need not be reopened based on this judgment, but there should be no further bypassing

of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”

Although the post of Caretaker is not enumerated in any of the Recruitment Rules or Regulations the vacancy of Caretaker has been there ever since the guest house had started functioning in 1992. There has been no employee other than the workman in the guest house. The worker is the only person who looks after the entire affairs of the guest house. Therefore the management cannot contend for a moment that the nature of the work of an Attender or Caretaker in the guest house is not permanent. Without a caretaker the guest house cannot function. The observation in para 53 of the judgment in Umadevi's case is applicable to the case of the workman. Imbibing the ratio of the decision of Hon'ble Supreme Court it is only fair for the management to regularize the workman in service.

In the result an award is passed finding that the action of the management in not regularising the workman Shri S. Udayakumar as caretaker in LIC guest house Trivandrum is unfair, improper and unjustified and the management is directed to consider the regularisation of his post in the light of the direction of Hon'ble Supreme Court in Para 53 of Umadevi's case referred supra at the earliest at any rate, within two months from the date when the award becomes enforceable.

The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 27th day of March, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union

WWI - 29-06-2004 - Sri S. Udayakumar.

Witness for the Management

MWI - 04-01-2005 - Sri T.T. Rangarajan.

Exhibit for the Union

W1 series (6 nos) - Photostat copies of letters issued from the LIC of India, Divisional Office, Trivandrum to the Guest House.

W2 series (6 nos) - Photostat copies of payment vouchers.

W3 series (3 nos) - Photostat copies of out passes issued by the Divisional Office, LIC of India to S.Udayakumar.

W4 series (3 nos) - Photostat copies of submission put in by Sri.S.Udayakumar to the Manager, LIC of India.

W5 series (6 nos) - Photostat copies of request for guest house accommodation.

W6 series (3 nos) - Photostat copies of Guest House occupants Register.

Exhibits for the Management

M1 11-05-92	Application submitted by Sri. S. Udayakumar before the Sr. Divisional Manager, LIC of India.
M2 series (3 nos)	Cash receipts signed by Sri. S. Udayakumar towards operation of water pump.
M3	LIC of India staff/Regulations 1960.
M4 25-02-93	LIC of India Recruitment (of Class III and class IV staff) Instructions 1993.
MS 28-06-1993	Photostat copy of LIC of India (Employment of temporary staff) Instructions 1993.
M6 17-03-1981	Copy of Gazette regarding LIC of India Staff Regulation 1960
M7 series (10 Nos)	Payment vouchers issued to Sri. S. Udayakumar by the LIC of India.

नई दिल्ली, 23 जून, 2008

का. आ. 1872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्स रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 20,112,27,30,28,111,98/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[सं. एल-42012/242, 244, 231, 245/99-आई आर (डी.यू.)]

[एल-42012/93, 123, 110/2000-आई आर (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1872.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20, 112, 27, 30, 28, 111, 98/2000) Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 23-6-2008.

[No. L-42012/242, 244, 231, 245/99-IR(DU)]

[L-42012/93, 123, 110/2000-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute Nos.20/2000, 112/2000, 27/2000,
30/2000, 28/2000, 111/2000, and 98/2000

1. Somesh Kumar Sharma

2. Naresh Kumar

3. Dilip Kumar

4. Smt. Suman

5. Dilip Kumar

6. Rajesh Kumar

7. Suresh Kumar

All care of Sri Rajendra Prasad Shukla 115/193, A-2
Mawanpur Kanpur

And

The Director

Indian Institute of Pulse Research
Kalyanpur G T Road Kanpur.

AWARD

1. Central Government, MOL, New Delhi; *vide* notification nos L-42012/242/99/IR(DU) dated 27-01-2000, L-42012/93/2000-IR(DU) dated 29-08-2000, L-42012/244/99-IR(DU) dated 27-01-2000, L-42012/231/99-IR(DU) dated 27-01-2000, L-42012/245/99-IR(DU) dated 27-01-2000, L-42012/123/2000-IR(DU) dated 29-08-2000 and L-42012/110/2000-IR(DU) dated 29-08-2000, has referred the following dispute for adjudication to this tribunal ;—

Whether the action of the management of Director, Indian Institute of Pulse Research, Kalyanpur Kanpur, in terminating the services of their workmen S/Sri Somesh Kumar w.e.f. 26-08-98, Naresh Kumar w.e.f. 26-08-98, Dilip Kumar w.e.f. 26-08-98, Smt. Suman 26-06-98, Dilip Kumar 26-08-98, Rajesh Kumar w.e.f. 26-08-98, and Sri Suresh Kumar w.e.f. 26-08-98 is legal and justified? If not to what relief the workman is entitled?

As there is a common reference in the above case only with the difference of name and date of termination and as in the above cases common question of facts and law is involved hence it is proposed to expose the schedule of reference by way of common schedule and it is also proposed to dispose of the above cases by means of common award.

3. The case of the workmen named above, in short is that they have been employed to perform the work of permanent nature under the premises of the opposite party on 01-06-93 (Somesh Kumar), on 01-09-90 (Naresh Kumar), on 01-06-93 (Dilip Kumar), on March, 1990 (Smt. Suman), on 01-06-93 (Dilip Kumar), on 01-09-90 Rajesh Kumar, and on 01-09-90 (Kailash Kumar). It is also pleaded that the workmen were paid wages at the end of the month by the opposite party as approved by Central Government at the Minimum of the rate. It is also pleaded that with a view to avoid statutory dues, the opposite party attached the workers with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services of the employer before the induction of the Contractor. Workers are employees of the opposite party. Workmen performed the work connected with the agriculture and the attendances of the workers were used

to be marked by the officers of the opposite party. The product of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workmen that they rendered continuous services of 240 days still they were removed from the services of the opposite parties from the date mentioned in the schedule of reference order in gross violation of the provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party in their employment but the workers were not afforded any opportunity of their reemployment, opposite party have also violated the provisions of rules of natural justice and social justice by not regularizing them in their employment. On the basis of above it has been prayed that the workmen be reinstated in the service of the opposite party with full back wages, consequential benefits and seniority.

4. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workers never remained in the direct employment of the opposite party nor were the workers ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workers. It is also the case of the opposite party that there exists no valid industrial dispute. Workers are not the workmen as defined under the provisions of the act nor is the opposite party an industry as defined under the Act. Opposite party has emphatically denied having engaged workmen in the employment in any capacity whatsoever nor they were ever issued any appointment letter by the opposite party after following the recruitment rules. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment de-horing recruitment rules. Since workers were never in the employment, question of terminating their services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to these workers. On the basis of above, it has been prayed that the claim of the workmen be rejected being devoid of merit, baseless and misleading.

5. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence I support of their respective cases.

6. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workers but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workers found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, the representative for the

workers appeared and submitted before the tribunal that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record. There is also no order received from the appropriate government in this regard. Therefore the tribunal is not inclined to believe the contention of the workers representative and the same stands rejected. Having considered long duration of the pendency of the instant cases, the tribunal also rejected the adjournment application. ,

7. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case of the workers that they were made the employee of the contractor, and it is the contractor who used to make payment of wages. The contention of the workmen to the effect that he was working much before the induction of the alleged contractor of which they are alleged to be the employees cannot be accepted by the tribunal as no documentary or oral evidence is available on the record of the case to substantiate the claim of the workers that they were in the employment of the opposite party much before the induction of the alleged contractor.

8. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workmen, therefore, there appears no valid industrial dispute between the contesting parties. In the absence of any cogent evidence in support of the claim of the workmen, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workers cannot be held to be a workman within the definition of Workman as defined under section 2(s) of the Act. If it is so rest issues become infructuous as raised by the alleged workers in their respective claim statement, therefore, need no consideration.

9. In the end it is concluded that that for the foregoing the above cases is not a valid industrial dispute as the claimant has palpably failed to establish that they ever remained in the active employment of the opposite party or that they were ever issued any appointment letter, or they were ever paid their wages by the opposite party or their services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act by the opposite party does not arise in the facts and circumstances of the case.

10. For the reasons discussed above, it is held that since the cases in hand cannot be assumed to be an industrial dispute between the parties, therefore, they cannot be held to be entitled for any relief as claimed by them. Reference is therefore, answered accordingly against the claimants and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. अ. 1873.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्ट्र्यूट ऑफ पल्स रिसर्च के अधिकारी और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 161/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फ. सं. एल-42012/252/98-आई आर (डीय)]

सुन्दर सिंह, डस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 161/99) of the Central Government Industrial Tribunal cum Labour Court, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Institute of Pulse Research and their workman, which was received by the Central Government on 23-6-2008.

[F. No. L-42012/252/98-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI R.G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, KANPUR
Industrial Dispute No. 161 of 1999

In the matter of dispute between :—

Sh. Ashok Kumar Verma,
C/o Sh. Rajendra Prasad Shukla,
115/193, A-2 Maswanpur Rawatpur,
Kanpur.
And

The Director,
Indian Institute of Pulse Research
G.T. Road, Kalyanpur,
Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-42012/252/98 IR (DU), dated 3-5-99 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Shri Ashok Kumar Verma w.e.f. NIL is legal and justified? If not to what relief the worker is entitled to?”

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on nil. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing on the services from before the induction of contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the Management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days or till he was removed from the service of the opposite party w.e.f. NIL in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were induced by the opposite party but he was not afforded any opportunity of his re-employment. Opposite Party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was

ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment de horing recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate Government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence, any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1874.—औषधिक विवाद अधिनियम, 1947 (1947 का 14) का भारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कोलॉजिकल सर्वे ऑफ इंडिया के प्रबंधालय के संबद्ध नियोजकों और उनके कमीकारों के बीच, अनुबंध में निर्दिष्ट औषधिक विवाद में केन्द्रीय सरकार औषधिक अधिकरण/ब्राम व्यावालय, कानपुर के पास (संदर्भ संख्या 41/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. स. एल-42012/290/99-आई आर (डीस.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 23-6-2008.

[F. No. L-42012/290/99-IR(DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI R.G. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 41 of 2001

In the matter of dispute between :—

Sh. Ashok Kumar Singh,

Dy. General Secretary,

All India Archaeological Survey Mazdoor Union,

43/305/1-B New Abadi Sikandra,

Agra.

And

Suptd. Archaeologist,

Archaeological Survey of India,

Guard Cottage, Golaganj,

Lucknow.

AWARD

1. Central Government, M.O.L, New Delhi, vide notification No. L-42012/290/99 IR (DU) dated 3-3-2000

has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of Archaeological Survey of India in terminating the services of Sri Ram Narain w.e.f. 28-2-99 is justified? If not, to what relief the workman is entitled?”

2. Needless to give full facts of the case as during the course of final arguments at camp Lucknow on 23-01-08 the representative for the opposite party submitted before the tribunal that they have never terminated the services of the workman and that the workman is still in the employment of the opposite party.

3. The concerned workman alongwith his representative was also present in the Tribunal and on being inquired from both of them about the submissions made by the representative for the opposite party that the workman is still in the employment, both of them conceded the fact without any demur.

4. In view of categorical admission of the workman that he is still in the employment of the opposite party, reference order has become infructuous in as much as at this stage reference cannot be adjudicated upon as the workman is in the employment of the opposite party, therefore, question of termination of his service by the opposite party does not arise at all.

5. Lastly it is held that the workman is not entitled for any relief as claimed by him and that the reference order has become infructuous in view of his admission to the effect that he is in the employment of the management.

6. Reference is answered accordingly in negative against workman and in favour of the Opposite Party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1875.—औद्योगिक विद्याद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार सी.पी.डी.एस.डी. की प्रबंधता के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विद्याद में केन्द्रीय सरकार औद्योगिक अधिकारण/अन्य व्यावालय सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 188/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[का. सं. एल-42011/9/97-आई आर (डीए)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 188/98) of the Central Government Industrial Tribunal—

cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 23-6-2008.

[F. No. L-42011/9/97-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: Shri R. N. RAI

I.D. No. 188 1998

In the matter of :—

Sh. Jai Narayan & 13 Others,
S/o. Sh. Garju Prasad,
R/o. H. No. 1, Road No.7,
Andrews Ganj, New Delhi.

versus

The Chief Engineer,
CPWD,
Sewa Bhawan, R.K. Puram,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42011/9/97-IR (DU) dated 01-09-1998 has referred the following point for adjudication—

The point runs as hereunder :—

“Whether the action of the management of CPWD through Executive Engineer, N - Division, New Delhi-110049 in terminating the services of S/Sh. Jay Narayan, Subhash, Vipin, Surinder Singh, Mukesh, Banti, Ram Chander, Subhash, Suresh, Gopal, Parimal, M. Murthi, Munion & Mukesh is legal and justified? If not, to what relief the workmen are entitled?”

The case of the workmen, S/Sh. Jay Narayan, Subhash, Vipin, Surinder Singh, Mukesh, Banti, Ram Chander, Subhash, Suresh, Gopal, Parimal, M. Murthi, Munion & Mukesh is that they were engaged as Plumber, Mason, Helper and Carpenter. They were not allowed to put their signatures. They raised a case after serving legal demands notice. The management made less payment to them.

The case of the management is that the claimants did not work with the respondent. There is no relation of master and servant. The workmen were never engaged by the management. Different agreements were made for day to day maintenance of newly constructed residential complexes at Andrews Ganj Extension, New Delhi since there was no work charge establishment workers posted in that area.

That some workers from work charge establishment of CPWD became surplus and were transferred to this area. There was need to conclude the maintenance of the said quarters through contractors. After posting of the workers from work charge establishment of CPWD, no new contracts were made.

The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied, most of the paras of the claim statement.

Evidence of both the parties has been taken.

It transpires from perusal of the order sheet dated 16-02-2003 that the case proceeded ex-parte against the management. The management did not turn up thereafter. The management has filed written statement so the management has knowledge of the case.

It is not the case of the management that the workmen have been paid retrenchment compensation thus, the management has terminated their services in violation of Section 25 F of the ID Act, 1947. Fresh casual labourers have been engaged by the management after the termination of the concerned workmen.

The workmen have filed photocopy documents in 66 pages which relate to their work diary. These photocopy documents have not been denied by the management and the workmen cannot find the original of the work diary. These photocopy documents bear the seal and signature of the management, so these photocopy documents are admissible in view of the affidavit of the workmen.

The management has not filed any contract agreement and there is no proof that these workmen are contractor's workmen.

The workmen have filed work diary which prove that they have worked for 2 - 3 years under the control and supervision of the management. The management is still employing casual labourers and getting the work done on the basis of casual labourers. The work still exists.

It was submitted from the side of the management that in (2007) 9 SCC 353, the Hon'ble Apex Court has held that reinstatement with full back wages should not be granted automatically only because it would be lawful to do so. Several factors should be considered just as statutory rules and delay in raising the dispute.

In the instant case there is no dealy. In case work still exists, the workman should be given reinstatement. The respondents cannot retrench this workman and engage fresh hands. In that case they will commit unfair labour practice as has been held by the Hon'ble Apex Court in (1995) Supp. II SCR 842.

It has been held in 2008 Lab IC page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation. Reinstatement of daily wager found legal.

In view of the judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/absorption or making permanent. The management cannot dis-engage a workman and take another workman at his place as it would infringe the provisions of Section 25 G & H of the ID Act, 1947. In the circumstances, management should reinstate the workmen as casual labourers. In case there is no job, the management should take action keeping in view sections 25 G & H of the I.D. Act, 1947.

The workmen are manual workers. They must be doing some sort of work off and on. They are not employed in any establishment. They must have been doing some sort of work for the survival of themselves and their family members. In the facts and circumstances of the case the workmen are entitled to get 25% back wages.

The reference is replied thus :—

The action of the management of CPWD through Executive Engineer, N - Division, New Delhi -110 049 in terminating the services of S/Sh. Jay Narayan, Subhash, Vipin, Surinder Singh, Mukesh, Banti, Ram Chander, Subhash, Suresh, Gopal, Parimal, M. Murthi, Munion & Mukesh is neither legal nor justified. The management should reinstate the workmen w.e.f the date of their termination along with 25% back wages within two months from the date of the publication of the award:

The award is given accordingly.

Date: 12-6-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1876.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 04/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/23/97-आई आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/98) of the Central Government Industrial Tribunal-cum-Labour Court, No. II New Delhi, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of C.P.W.D and their workmen which was received by the Central Government on 23-6-2008

[F. N. L-42012/23/97-IR(DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : SHRI R.N. RAI

I.D. NO. 04/1998

In the matter of:—

Sh. Diwan Singh,
 S/o. Sh. Bhagwat Singh,
 C/o. Narinder Singh, 2170, Tilak Nagar,
 Chander Prakash Company, Delhi-110006

. . . Claimant

Versus

The Executive Engineer (Civil),
 CPWD,
 Exhibition Division No.1, Pushpa Bhawan,
 New Delhi - 110062

. . . Respondent

AWARD

The Ministry of Labour by its letter No. L-42012/23/97 IR(DU) Central Government dt.15-12-1997 has referred the following point for adjudication :—

The point runs as hereunder :—

"Whether the action of the management of CPWD (Executive Engineer, Civil, Exhibition Division No. 1) by terminating the services of the workman Sh. Diwan Singh, Beldar w.e.f. 01-01-1983 is just, fair and legal? If not, what relief the concerned workman is entitled to and from what date."

The case of the workman is that he was appointed on 18-08-1980 as Beldar on daily wages of Rs. 955 under the management. He continued without break up to 31-12-1980. He has worked for 117 days in 1980, 226 days in 1981 and 282 days in 1982 respectively. His services were terminated without payment of retrenchment compensation and pay in lieu of notice.

The case of the management is that there was no work available for the workman in the department. Vide letter dated 15-01-1983, the answering respondent therefore, requested the Trade Fair Authority of India to take surplus muster roll workers on maintenance work in its department. Vide letter dated 17-01-1983, all Executive Engineers (Civil) of CPWD and PWD were also requested to absorb the surplus muster roll employees. However, as a matter of policy decision, all the muster roll Beldars who entered in CPWD before 20-03-1979 and who reported to Delhi Central Circle-II (Co-ordination), CPWD have been absorbed in other Divisions of CPWD. The applicant was not eligible for absorption as his first entry date on muster roll in CPWD was 18-08-1980.

That the present claim of the applicant is highly time barred. The Hon'ble Supreme Court in AIR 1993 SC 2276 has already held that a person who sleeps over his right, not only loses the right but also the remedy.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

None was present for argument.

The case is decided after perusal of the entire record.

The case of the management is that the claim is time barred. It is settled law that one who sleeps over his right, not only loses the right but also the remedy.

My attention was drawn to Nadungadi Bank Limited Vs. K.P. Madhavankutty as under:

"Law does not prescribe any time limit for the appropriate government to exercise its powers under Section 10 of the ID Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under section 10 of the ID Act. As to when a dispute can be said to be stale would depend on the facts and circumstance of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made.

It has been held by the Hon'ble Apex Court that no industrial dispute existed or could be even said to have been apprehended with Central Government exercised powers in this case after a lapse of about seven years.

In the instant case the workman has been regularized in the year 1993, whereas he has raised this dispute in the year 1998 after a delay of 15 years. Thus, the reference itself sent by the Government in view of the law laid down by the Hon'ble Apex Court is barred by delay.

It has been held in 1993 AIR SCW 2224 that delay would certainly be fatal if it has resulted in material evidence relevant to the contention lost and not rendered available. Lapse of time results in losing the remedy and right as well.

It has been also held in this case that case filed after delay of 7-9 years should not be entertained.

It has been held in MANU/SC/0140/1959 that merely because the industrial dispute does not provide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation for reference of disputes to an industrial tribunal even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale.

In the instant case the workman has raised the dispute after long delay of 15 years. He has not given satisfactory explanation for this extraordinary delay. There is no explanation worth the name in the claim statement as to what prevented the workman to raise the dispute earlier. The workmen kept silent from 1983 and raised this matter in 1998.

It has been held in AIR 1993 SC 2277 that delay itself dis-entitles a workman of remedy and right.

There is delay of 15 years and in the light of the law laid down by the Hon'ble Apex Court. The reference itself is not maintainable.

The case of the management is that all the muster roll Beldars who entered in CPWD before 20-03-1979 have been absorbed. This workman was not eligible for absorption as his first entry date in muster roll in CPWD was 18-08-1980.

It is admitted to the management that no retrenchment compensation or one month's pay in lieu of notice has been given to the workman.

The management witness has stated that the workman was retrenched as he was found surplus. The workman has not proved that his name was entered in the register of muster roll Beldars on 20-03-1979. The policy decision is for absorption of muster roll Beldar whose names were entered in the muster roll on 20-03-1979. The name of this workman was entered in the muster roll in CPWD on 18-08-1980, so the management has rightly not absorbed him.

The management witness has admitted also that no compensation was paid to this workman when he was retrenched being surplus. The case is time barred no doubt but the workman is entitled to retrenchment compensation as he has worked for more than 240 days atleast in two years of his employment. Retrenchment compensation and one month's pay in lieu of notice was not given to him and he was declared surplus, so the provision of Section 25F of the ID Act, 1947 have not been complied with. The workman has a right to get retrenchment compensation at the time of his retrenchment for being declared surplus. The management is duty bound to pay retrenchment

compensation. The workman applicant is entitled to compensation of Rs. 50,000 despite delay in raising this dispute as the right of compensation accrued to him when he was declared surplus and retrenched.

The reference is replied thus :—

The action of the management of CPWD (Executive Engineer, Civil, Exhibition Division No. 1 by terminating the services of the workman Sh. Diwan Singh, Beldar w.e.f. 1-1-1983 is neither just nor fair nor legal. The workman is entitled to compensation of Rs. 50,000 (Rs. Fifty Thousand only) within two months from the date of the publication of the award.

The award is given accordingly.

R.N. RAI, Presiding Officer

Date : 20-06-2008

नई दिल्ली, 23 जून, 2008

का. आ. 1870.—औद्योगिक अधिनियम, 1947 (1947 का 14). की धारा 17 के अनुसार में, केन्द्रीय सरकार इन्कम टैक्स को—ओपरेटिव सल्लाई सोसाइटी लिमिटेड के प्रबंधसंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विधाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 69/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42011/50/90-आई आर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 69/91) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Incom-Tax Co-operative Supply Society Limited and their workmen, received by the Central Government on 23-6-2008

[F. No. L-42011/50/90-IR(DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI.

I.D. NO. 69/1991

In the matter of :—

Shri Lakshmi Dutt & Sh. Desh Raj,
WZ - 87, Vill: Budhela,
PO: Uttam Nagar, New Delhi.

VERSUS

(1) The General Secretary,
Income Tax Co-operative Supply Society Limited,
IP State, CR Building, New Delhi.

(2) The Chief Commissioner of Income Tax,
C.R. Building, IP State, New Delhi - 110 002.

AWARD

The Ministry of Labour by its letter No. L-42011/50/90-IR(DU) Central Government dt. 09/10-08/09-1991 has referred the following point for adjudication.

The point runs as hereunder:-

“Whether the action of the management of Income Tax Co-operative Supply Society Limited, New Delhi in terminating the services of Sh. Laxmi Dutt and Sh. Desh Raj w.e.f. 02-03-1989 is justified? If not, what relief they are entitled to and from what date.”

The case of the workmen is that they were engaged on 01-11-1983 and 04-02-1983 as Helper at a consolidated wages of Rs. 750. That the workmen were deprived of all the facilities as provided under labour laws and they demanded these facilities. The management got annoyed. The workmen have worked for 240 days in every year of their engagement and the services of the workmen were terminated on 02-03-1989 without paying any retrenchment compensation and pay in lieu of notice. The termination of the workmen is illegal.

The case of the management is that Central Government is not the appropriate Government. The Delhi Administration is the appropriate Government as Income Tax co-operative Supply Society Limited is not governed under any statutory provisions of rules of Central Government as such the reference made by the Central Government in this behalf is not maintainable.

That the workmen themselves raised a dispute before the Labour Court against the Delhi Administration and Delhi Administration on 13-05-1991 made reference for the same cause of action of Labour Court. In view of the above statement of claim is not maintainable as the court has no jurisdiction to adjudicate the above case.

The management has not terminated the services of the workmen but they have themselves abandoned their jobs. Two workmen along with other workmen served a demand notice on 01-03-1989 and they stated they would not be present on duty on or after 02-03-1989. The management approached the respective workmen and inquired their intentions to present themselves on duty. These two workmen gave in writing that they would not be presenting on duty on or after 02-03-1989. The workmen Sh. Laxmi Dutt and Sh. Desh Raj maintained their stand in view of the above notice and did not agree to present themselves on duty on or after 02-03-1989. In view of the

above facts and circumstances the workmen themselves have abandoned their jobs by not presenting themselves on duty on or after 02-03-1989.

That the workman Sh. Laxmi Dutt was working as Helper with the management at their cycle stand on daily wages w.e.f. 01-11-1983 and Sh. Desh Raj w.e.f. 04-02-1984. They were drawing daily wages @ Rs. 23.25 but they abandoned their jobs on 02-03-1989.

It has not been denied that the workmen have worked continuously with the management for more than 240 days. Section 25 F of the ID Act, 1947 is not attracted. The workmen have themselves abandoned their jobs.

The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that they were engaged on 01-11-1983 and 04-02-1983 as helper at a consolidated wages of Rs. 750. They were deprived of all the facilities and they raised demands. The management got annoyed and their services were terminated illegally on 02-03-1989 without paying any retrenchment compensation and pay in lieu of notice.

It was submitted from the side of the management that Central Government is not the appropriate Government. The Delhi Administration is the appropriate Government as Income Tax Co-operative Society Limited is not governed under any statutory provisions of Rules of Central Government, so the reference is not maintainable.

It was submitted that the workmen raised dispute before the Labour court. It was further submitted that the services of the workmen were not terminated but they themselves abandoned their jobs. They served a demand notice on 01-03-1989 and they stated that they would not be present on or after 02-03-1989, so they did not turn up on or after 02-03-1989.

The workmen have worked continuously for 240 days in each year of their employment but they have abandoned their jobs so Section 25 F of the ID Act, 1947 is not applicable.

It is admitted to the management that the workmen have worked 240 days in each year of their employment.

The workmen were engaged in 1983 and their services were terminated on 02-03-1989. The substantial question is whether the workmen themselves abandoned their jobs or they were orally asked not to join duty?

The management witness has admitted that no notice to the workmen regarding their retrenchment has been given. The workmen have filed notice dated 23-08-1989 in which it has been prayed that their services were reinstated by the Income Tax Co-operative Society Limited w.e.f 02-03-1989. Prior to this notice the workmen sent another notice which was received by the management on 17-03-1989, in that notice also they have requested for reinstatement and it has been mentioned that the workmen have been removed from service by verbal orders and they have made request to the Chairman of Income Tax Co-operative Society Limited for reinstating them and for considering their case.

The workmen sent legal demand notice on 04-04-1989. In this notice it has been mentioned that the services of the workmen have been terminated by verbal orders of the General Secretary which is highly arbitrary and illegal. Juniors have been retained. The receipt of this notice has not been denied by the management. There is no endorsement of denial on the notices dated 23-07-1989, 19-01-1989, 01-03-1989, 08-03-1989 & 09-03-1989.

When the management did not consider the request of the workmen they sent legal notice on 04-04-1989. The services of the workmen were terminated orally on 02-03-1989 and they have sent this notice requesting them to take them into service. There is no endorsement of denial on the notices. The receipt has been admitted by the management. In all the aforementioned notices the workmen have requested for reinstatement.

The workmen approached Conciliation Officer in 1989. In the circumstances it cannot be said that the workmen themselves abandoned their jobs.

It is settled law that in case casual labours stop coming, notice should be sent to them as to why their names should not be expunged from the muster roll register. In the instant case the workmen have sent notices within 2-3 months of their removal by oral order. The management has not denied receipt of the notices, so it is amply proved that the workmen were interested in resuming their work but the management was annoyed, so these workmen were not taken on duty.

By the judgment of Hon'ble Apex Court the workers of Income Tax Co-operative Society Limited were held to be the employees of the Central Government. At present the Chief Commissioner, Income Tax is incharge of this Society.

The Income Tax Co-operative Society Limited was run by the Dy. Commissioner, Income Tax. Payments were made out of the fund of the Income Tax. The Chief Commissioner, Income Tax has taken over the charge of Society. In the circumstances the Central Government is the appropriate Government. The workmen raised their case before the Labour Court but subsequently they withdrew it

and filed before CGIT - I in the year 1991 on the reference made by the Central Government. The Central Government is the appropriate Government as the Society is run under the Income Tax Department and at present Chief Commissioner, Income Tax has taken the charge of the Society.

The workers of the Society have been made Central Government employees in view of the judgment of the Hon'ble Apex Court.

It has been held in 2000 (5) page 794 by the Hon'ble Apex Court that there cannot be any automatic termination of the respondents on the basis of Standing Orders. Principles of natural justice had to be followed. The workmen had worked for more than 240 days within the period of 12 calendar months immediately preceding the date of termination. They were not permitted to join duty. Termination in the instant case is illegal.

In the instant case the workmen have worked for more than five years and they have completed 240 days in each year of their employment. In the circumstances there cannot be automatic termination of their services. The management witness has admitted that no notice regarding retrenchment has been served on the workmen.

It is admitted to the management that the workmen have worked for more than over five years in the Society. In the year 1992 the respondents moved an application for reinstatement of the workmen without backwages so the work still exists. Juniors to these workmen have been made regular. The termination of the services of these workers on oral orders is absolutely unjust and illegal.

It has been held in 2008 Lab IC page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation.

In view of the judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/ absorption or making permanent. The management cannot dis-engage a workman and take another workman at his place as it would infringe the provisions of Section 25 G & H of the ID Act, 1947. In the circumstances, management should reinstate the workmen as casual labourers.

The workmen are manual workers. They have not disclosed as to how they and their family members have survived so far. In the circumstances it is presumed that they must have been doing some sort of work off and on to sustain their livelihood and livelihood of their family members. In the circumstances the workmen are entitled to only 25% back wages.

The reference is replied thus: —

The action of the management of Income Tax Co-operative Supply Society Limited, New Delhi in terminating the services of Sh. Laxmi Dutt and Sh. Desh Raj

w.e.f. 02-03-1989 is not justified. The management should reinstate the workmen along with 25% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date: 12-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 76/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12011/103/2007-आई आर (बी-II)]

सुरेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2008) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the industrial dispute between the management of bank of Baroda and their workmen, received by the Central Government on 23-6-2008.

[F. No. L-12011/103/2007-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR-II, NEW DELHI

PRESIDING OFFICER: R.N.RAI I.D.NO.76/2008

IN THE MATTER OF:—

The Zonal Secretary,
Bank of Baroda Employees' Union,
188, Abu Lane,
Meerut (UP) - 250 001.

VERSUS

The Assistant General Manager,
Bank of Baroda, Regional Office,
Haldwani (Uttranchal).

AWARD

The Ministry of Labour by its letter No. L-12011/103/2007-IR (B-II), dated 07-01-2008 has referred the following point for adjudication.

The point runs as hereunder:-

“Whether the action of the management of Bank of Baroda, Regional Office, Haldwani to issue transfer order dated 04-05-2007 of four clerical staff from Roorkee/Saharanpur/Muzaffarnagar respectively to other branches at distances of 300 Km. is not in violation of settlement of re-deployment 2006 and is also legal and justified? If not, to what relief these workmen are entitled to?”

Reference was received in January, 2008. No claim was filed up to 3rd June, 2008. Opportunity for filing claim was closed.

No dispute award is given.

Date: 16-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1879.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिनेटेन्डेन्ट, आर.एम.एस., बी.एम.डिवीजन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोल्हापुर के पंचाट (संदर्भ संख्या 3/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-40011/2/2006-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2006) of the Industrial Tribunal-cum-Labour Court, Kolhapur as shown in the Annexure, in the industrial dispute between the management of superintendent, R.M.S.B.M. Division, and their workman, received by the Central Government on 23-6-2008.

[F. No. L-40011/2/2006-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KOLHAPUR

REFERENCE (II) NO.3 OF 2006

The Superintendent,
R. M. S. B. M. Division,
Kolhapur

.... 1st Party,

AND

The Secretary,
Akhil Bhartiya RMS Employees
Union, Kolhapur

.... 2nd Party

In the matter of demand for regularizing services of Shri J. V. Shinde, Shri P. T. Kamble, Shri S. D. Kamble and Shri S. R. Mali on permanent basis.

Coram : P. S. Shinde, Industrial Tribunal.

Appearances : Both Parties Absent

AWARD

(Dictated in open court on 3-5-2008)

This is a reference under Section 10(1)(d) and sub-section 2A of the I. D. Act referred to this Tribunal for adjudication of second party's demand for conferring permanency on the employees namely Shri J. V. Shinde, Shri P. T. Kamble, Shri S. D. Kamble and Shri S. R. Mali.

2. Notices of this reference were served on the parties wherein, the second party directed to submit their statement of claim in support of their claim. However the second party did not file its Statement of claim in the matter to justify their claim.

3. Since the second party has failed to file their claim statement in the matter, I do not find it necessary to proceed further with the matter. The reference is therefore dismissed for want of statement of claim. I therefore pass the following order.

AWARD

- (i) reference is disposed off for want of prosecution.
- (ii) The demand referred to this Tribunal stands rejected.
- (iii) No order as to costs.
- (iv) Award accordingly.

Kolhapur,

Date 3-5-2008

P. S. SHINDE, Industrial Tribunal

नई दिल्ली, 23 जून, 2008

का. आ. 1880.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम्ब न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 264/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/77/1999-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 264/

1999) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure, in the industrial dispute between the management of Punjab & Sindh Bank, Sotiganj and their workmen, received by the Central Government on 23-6-2008

[F. No. L-12012/77/1999-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, SHRAM BHAWAN, ATI CAMPUS, KANPUR

Industrial Dispute No. 264/1999

Between

Sri Chander Bhan Son of Sh. Soran Singh
R/o Mohalla Radha Niwas Govind Kund Road,
Opp. Bhainsa Godown, Vrindavan Post
Mathura.

And

Punjab & Sindh Bank
The Zonal Manager
P & SB, Sotiganj,
Meerut.

AWARD

1. Central Government, Ministry of Labour & Employment, New Delhi, vide notification No. L-12012/77/99/IR(B-II) dated 25-08-99, has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of Punjab & Sindh Bank is justified in terminating the services of Sh. Chander Bhan Son of Sh. Soran Singh. If not, what relief is the workman entitled to?”

2. The case in short as set up by the workman is that the opposite party bank had opened its extension counter branch on 19-11-94 at Vrindavan and that the workman was appointed as sub-staff from the day of opening of the extension counter of the bank. It is the further case of the workman that he was verbally assured by the officers of the branch that after expiry of three months the services of the workman be made regular and permanent. The opposite party bank used to the work of regular peon from the workman for the whole day. It has also been pleaded by the workman that from the inception of the extension counter of the opposite party bank till the date of filing the present case no regular or permanent peon was appointed by the opposite party. It has also been alleged by the workman that during the period 19-11-94 to 30-07-97 workman performed the entire duties of a peon still he was paid his remuneration through vouchers by the officers of the bank. The workman constantly demanding for his regularization in the service of the bank but the officers of the bank did not pay any heed to it. The workman further

pleads that during the period 19-11-94 to 30-07-97 he had worked much more than 240 days of continuous service. As the workman constantly raising his demand for declaring him to be regular and permanent employee of the opposite party bank, therefore, the officers of the bank became annoyed from him and out of animosity the opposite party after taking works from the workman during the period 31-7-97 to 5-8-97 and paid him wages in different names. This is an deliberate attempt on the part of the opposite party bank with a view to dispense with the services of the workman. The above act is also an device of Unfair Labour Practice. The opposite party bank illegally terminated the services of the workman totally against the provisions of Industrial Disputes Act, 1947. In the last it has been prayed that the action of the management be declared illegal, unjust and unfair and the workman be directed to reinstate the workman in the service of the opposite party with full back wages and continuity of service.

3. The claim of the workman has been contested by the opposite party inter-alia on the grounds that vacancies in the sanctioned cadre of each category are filled up by the Head Office of the bank on a centralized basis and no officer of any branch of office of the bank is authorized to make such appointment on a regular basis. The reference is bad in law in as much as date of termination of the services of the workman has not been mentioned in the schedule of reference order. The workman has never been appointed by the opposite party bank. It has also been pleaded by the opposite party that the workman does not come within the ambit of definition of workman as defined under the provisions of the Act. The so called workman was engaged by the opposite party bank on day to day basis on the basis of need and such casual employee does not attain any legal right to claim regular and permanent employment without undergoing through proper selection process. Management has also denied that it ever removed the workman from his employment. On merit too the claim has been denied by the opposite party bank. Lastly it has been prayed that the claim of the workman is devoid of merit therefore is liable to be rejected.

4. The workman has also filed rejoinder but therein nothing new has been mentioned except reiterating the facts already pleaded in the statement of claim.

5. Both contesting parties apart from filing of documents in support of their respective have also adduced oral evidence in the case.

6. I have heard the arguments of the contesting parties at length and have also gone through the record carefully.

7. First of all it may be pointed out that a perusal of the schedule of reference order would go to reveal the fact that the date of termination of the services has not been mentioned therein. Therefore, even after evaluating the

merits of the case, if the tribunal comes at a conclusion that the action of the opposite party bank is neither legal nor justified then a normal question arises for consideration as to from what date the workman be directed to be reinstated in the service of the bank. This is a very serious infirmity and for this the tribunal is totally handicapped to consider the claim of the workman. The workman cannot be held entitled for any relief on defects pointed out above.

9. Next it will be seen as to under what provisions of service regulation applicable on the workman, the workman has assailed the action of the management. It is settled legal position that the provisions of the Industrial Disputes Act, 1947, cannot be held to be the service conditions. A perusal of entire claim petition it is quite obvious that the entire claim petition of the workmen is totally silent regarding breach of the provisions of service conditions and since there is no pleading in this regard the workman cannot be held entitled for protection of the provisions of the Industrial Disputes Act, 1947, in isolation.

10. It may also be pointed out that it is the settled legal position of law that a casual/daily rated employee, temporary or ad-hoc employee cannot lay his claim for regular employment in Government Department or Public Sector Undertakings unless he has been subjected to regular selection process as per recruitment rules. Admittedly in the present case it has never been claimed by the workman that he ever under took regular selection process. Therefore, from the above, it is held that the workman is trying to seek employment with the opposite party through back door entry which would certainly amount to breach of provisions of Article 14 of the Constitution of India. Even it is also equally true that the courts/tribunals should not be used as a measure of providing back door entry in the public employment.

11. In view of what has been discussed above, I do not find any merit in the case of the workman which is liable to be dismissed. Accordingly the claim of the workman is dismissed and the reference is decided against the workman and in favour of the opposite party holding that the workman cannot be granted any sort of relief in the present reference as claimed by him.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1881.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधंतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 30/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[का. सं. एल-12011/123/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 23-6-2008

[F. No. L-12011/123/2003-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

ID No. 30/03

BETWEEN

Bank of Baroda Staff Association

Vs.

Bank of Baroda

AWARD

The Ministry had sent a reference Dt. 16-9-03, for deciding the dispute 'whether the action of the management of Bank of Baroda in not regularising Sh. Munni Lal Temp. Peon is legal and justified ? If not what relief is the concerned workman entitled to ?

After receiving the above reference under notices to the parties were sent. The workman filed his claim statement on 8-12-03 and management filed its statement on 17-2-04. The workman in his claim statement alleged that the action of the management was illegal and not justified while the management referred the allegation of the workman. The parties had oral evidence. The workman produced himself on 29-9-05 while the management produced the witness 22-11-06. The worker asserted his claim while the management refused the claim of the workman in oral statement. Documentary evidence were also filed by the worker. The worker had filed an affidavit Dt. 13-9-03 by which the worker had prayed to summon the document from the management. The court ordered on 27-10-04 for summoning the documents to file paper not in original and it was ordered that the photocopies be admitted by the management. The management did not admit the documents and also did not file document as ordered by the Court. Consequently the adverse inference has to be drawn against the management.

On 29-4-08 arguments from both the sides were heard and the case was reserved for award.

Application 14-1 to 14-19 has been moved to withdraw the case before any award could be made.

Since the Workman's representative who is representing union viz. Bank of Baroda Staff Association, has moved application for withdrawal of the case and the

managements representative has no objection against the same therefore The union though authorised representative, Mr. Saxena is allowed to withdraw the case.

In the above circumstances it is held that there is no need to decide and reply the reference order and the same is disposed off as there is no grievance left with the workman. The workman is not entitled to any relief. The matter is resolved accordingly and the reference is also answered accordingly

Dt. 4-6-2008

SD/- Illegible, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1882.—शैक्षणिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोरा के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 54/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/77/1996-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/1997) of the Central Government Indus. Tribunal-cum-Labour Court No. 2, New Delhi, as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 23-6-2008.

[F. No. L-12012/77/1996-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI I. D. 54/1997

IN THE MATTER OF:

Shri Gurdas Ram
S/o Shri Mansha Ram,
C/o Shri Rajaishwar P. Goyle,
117, Chander Nagar,
Dehradun - 248001.

VERSUS

The Regional Manager,
Bank of Baroda, Regional Office,
Shahjahanpur Region, Govindganj,
Shahjahanpur - 242001.

AWARD

The Ministry of Labour by its letter No. L-12012/77/96-IR(B-2) dated 08-05-1997 has referred the following point for adjudication :

The point runs as hereunder:

"Whether the action of the management of Bank of Baroda in terminating the services of Sh. Gurdas Ram w.e.f. 24-12-94 is just, fair and legal? If not, to what relief he is entitled to and from what date?"

The workman applicant has filed claim statement. In the claim statement it has been stated that a new branch was opened at Charkhola, Distt. Shahjahanpur under the administrative control of the Regional Manager, Bank of Baroda, Regional Office, Shahjahanpur on and w.e.f. 24-7-89 and a duly sanctioned permanent post of Peon for the new branch was vacant at BO: Charkhola of Bank of Baroda on the opening day itself, on which post the workman was appointed on and w.e.f. 24-07-89 FN and he was the first lone incumbent employed at the very outset/beginning of the newly created sanctioned post of regular and permanent Peon.

That in breach of the terms of Sastry Award and the Bipartite Settlements, the workman was not paid scale wages at par with his counterparts in regular employment under the management; but he was kept on Daily Wages and was given intermittent fictitious breaks on records by whim, fancy and caprice of the concerned officers/officials of the management with oblique motivation of depriving the workman of the benefits of continuous service though the workman rendered duties almost on all the working days during the course of his employment irrespective of being paid wages for it or the day/days show as artificial break on records of the Bank. The workman has had been offering his services on every day when he was not given work, in that, the cessation of work was caused by an active action on the part of the Bank management, thus the workman has rendered continuous service in terms of Section 25-B of the I.D. Act, 1947 from 24-07-89 till 16-06-1990 AN on which date his services were terminated by verbal orders abruptly without any notice or any wages in lieu of notice, without any compensation so much so without complying with the mandatory prerequisites of paras 522 and 524 of Sastry Award and also without issuance of letter of termination assigning therein reasons therefore, hence the termination of the workman on and w.e.f. 16-06-1990 AN was/is 'ab initio' void, illegal and unjustified-

That the management did not issue letter of appointment of ~~the~~ workman on 24-07-89 specifying therein the nature and terms of his appointment, in that, the management has committed breach of para 495 of Sastry Award which is culpable under law. The Management has also committed breach of para 493 of Sastry Award and violated mandatory provisions of Section 25-H of the I.D.

Act, 1947 in not reemployment when other fresh hands were appointed while being a retrenched employee he was to be considered on priority.

That it is imperative to mention here that prior to his appointment as Peon on 24-07-1989, the workman brought to the notice of concerned Bank authorities that he is a S/C candidate and that he had passed ninth class as regular student and could not appear in High School Examination since he had to leave the school and discontinue his studies while studying in class X in between for family reasons. He had also made it clear that he doesn't have any certificate for Class IX pass and he submitted his Mark Sheet for Middle Examination i.e. Class VIII Exams. of Haryana Education Board (photo copy whereof is Annexure-A hereto).

That the sanction of workman's appointment on and w.e.f. 29-7-89 was accorded by higher authorities of the Bank management in full knowledge of the fact that the workman had passed his Class IX examination which fact is on records of inter-bank communication and the bank management must produce the relevant communication. During the course of his employment the workman had also filed his 'Scheduled Caste' Certificate dated 22-3-90 issued by the Sub-Divisional Magistrate (C), Ambala (Photo copy whereof is Annexure-B hereto) since it was demanded by Bank authorities on the pretext that he had been given employment on the basis of his being a 'Scheduled Caste' candidate. Under instructions of Bank authorities the workman also got himself registered in Employment Exchange at Ambala on 16-04-1990 and copy of the Registration Certificate was filed with Bank authorities (Photo copy whereof is Annexure-C hereto).

That though the workman has rendered 328 days' continuous service under the management for the period from 24-07-89 to 16-06-1990 in terms of Section 25-B of the I.D. Act, 1947; but the Bank management had paid wages only for 168 days during a span of 328 days, and the rest of the period of 160 days had been shown on records as artificial break. Having worked for more than 90 days the workman had attained the status of a 'Temporary Employee' and in terms of Para 20.8 of the First Bipartite Settlement dated 19-10-66 as amended, the workman had attained the status of a 'Probationer' for the rest of the further period of his employment; but the management had adopted 'Gross Unfair Labour Practices' of showing artificial breaks and not allowing the workman to complete the period of probation with the oblique motivation of depriving him of the benefits of continuous employment i.e. absorption in permanent employment to the worst detriment and jeopardy of the workman. The management issued Certificate dated 28-01-91 on the basis of records showing that the workman had worked for 168 days for the post of Peon (Photo copy whereof is Annexure-D hereto).

That the termination of the workman on and w.e.f. 16-06-90 AN tantamounts to 'RETRENCHMENT' as

defined in Section 2 (oo) of the Industrial Disputes Act, 1947, in that, the termination/ retrenchment of the workman without complying with the mandatory pre-requisites of para 522 and para 524 of Sastry Award is illegal, unfair and unjustified and 'ab initio' void hence inoperative and ex-consequent the workman is legitimately entitled to a declaration for continuation in service with full back wages retrospectively w.e.f. the date of termination viz. 16-06-90 AN.

That thereafter the workman has had been contacting the Bank authorities for his re-employment in the Bank since he was the first lone incumbent appointed on the duly sanctioned newly created post of permanent Peon at BO: Charkholi but his humble requests did not yield any fruit. Ultimately advertisements appeared in national Newspapers inviting applications from such candidates who had rendered services as temporary peon for 90 or more days during the period 1-1-82 to 31-12-90 and the workman, under proper guidance from Bank authorities, submitted his application dated 25-8-91 to Head Office of the Bank.

That the workman was selected for appointment in Bank and his name was empanelled in the list of 'Empanelled Ex- temporary Peons' issued by the Head Office of Bank of Baroda at S. No. 13 (Photo copy whereof is Annexure-B hereto).

That it is imperative mention here that the workman was paid Scale wages since he was posted on the permanently clear and sanctioned vacant post of Peon, though in the beginning for a couple of months the workman was paid wages on Daily Wages basis; but subsequently the anomaly was removed and he was paid wages on the basis of Scale wages. Payment of his wages was made to the workman through his Savings Bank Account No. 1342 opened specifically for this purpose on 31-07-93 on which date his salary/wages for July '93 were credited to his said S.B. A/c and his wages were credited every month to his said S.B. A/c (Photo copy of the Saving Bank Pass Book of A/c. No. 1342 is Annexure-G hereto).

That after crossing 90 days working on the permanent post of Peon the workman attained the status of a Probationer in terms of Para 20.8 of the First B.P. Settlement dated 19-10-66 as amended, as such on completion of 6 months continuous service the workman was deemed to have been confirmed in terms of para 495 of Sastry Award; but the management committed breach of para 495 of Sastry Award which is culpable under law, in that, the management continued to keep the workman on its mercy, in that, the workman, after completion of more than one year's continuous service, made an express oral request to the Bank management during November/ December 1994 that his services may now be confirmed and regularized in accordance with the Rules in vogue but with no positive response at the relevant time.

That workman's services were terminated abruptly on 26-12-1994 AN without any notice or any wages in lieu

of notice, without any compensation, without affording any opportunity to the workman and/or without giving any charge-sheet to him, so much so without issuance of any letter of termination assigning therein reasons therefore. That the termination of workman's services by verbal orders on 26-12-94 AN by the Management tantamounts to 'retrenchment' as defined in Section 2 (oo) of the I.D. Act, 1947.

The Management has filed written statement. In the written statement it has been stated that besides employing workman on permanent posts/basis as stated in. The preceding para, the opposite party herein, like another employer, be it the central or any state government or in the private sector, is occasionally compelled to engage daily rated workers on ad hoc casual temporary basis for coping with passing necessity/contingency, e.g., contemplated recruitment process has not been initiated or having been initiated has not been completed within the stipulated period, or the newly appointed person has sought extension of time to join opposite party's service at the branch or office of his posting, or an existing permanent employee has gone on leave of absence or has not joined his duties on the expiry of leave originally granted or subsequently extended, or a seasonal necessity has arisen, or on account of such other contingency.

The Hon'ble Tribunal will appreciate that it is well established law that daily rated ad hoc casual temporary workers whom an employer has engaged or employed in distress such as pending recruitment/ selection/ appointment and posting of a regular appointee, no indefeasible right can be held to have occurred for such workers to claim even continued engagement or employment, let alone claim for confirmation on the post and they have to be discontinued on the joining of regular appointee. It is submitted that the workman herein is virtually seeking what is called 'Back door' entry of the workman in the opposite party's service and since the Hon'ble Supreme Court has, in a number of pronouncements, disapproved and invalidated such 'entries' in public sector undertakings, being in gross violation of mandate of Articles 14 and 16 of the Constitution, this Hon'ble Tribunal would also in its wisdom not allow the union or the workman to succeed in their designs or attempts.

The problem of providing regular employment to these daily rated workers who had worked as peons in public sector banks between 1-1-82 and 31-12-89 but could not be employed on regular basis due to restrictions imposed by the government on further recruitment of people against substantive posts or vacancies in public sector banks, had been engaging the attention of the government for quite sometime past. Thus it was with a view to deal with that problem and to ameliorate the hardships of those unemployed persons that the Government of India, after consideration of all relevant

facts and in consultation with the Ministry of Labour, worked out a scheme to deal with that problem. The said scheme as contained in what it called as the "APPROACH PAPER" along with necessary guidelines to give effect to the scheme was circulated to all public sector banks, including the bank herein.

It is specifically denied that the claimant was employed on the sanctioned permanent post of peon, as alleged.

It is specifically denied that there was any requirement for any appointment letter in as much as the requirement was on day to day basis and not even month to month basis. Even the provisions of the "Sastry Award" have not been violated. The applicant herein was considered and could not be selected because of his falsehood and non-fulfilling the criteria laid down in the advertisement offering employment for the particular post.

It is specifically denied that at any point of time the applicant had brought to the knowledge of the opposite party about his being student of Xth Class as alleged. In any case the candidature of the claimant was rejected because he could not fulfill the criteria laid in this respect for the particular post. Merely submitting mark sheets, etc. cannot entitle the particular applicant to claim for the post. In any case it is specifically denied that the details with regard to his academic qualifications were made available to the opposite party as alleged. Even his own document which is Annexure-A clearly indicate that he had passed VIIIth class while Annexure-C indicate that he had passed VIIIth class and as such he could have been appointed if he had fulfilled further criteria however, while considering his candidature in response to the advertisement it was revealed that he had been student of even Xth Class at a point of time.

It is specifically denied that there was full knowledge of academic qualification as alleged. In any case that cannot give any legal right to the applicant. Further, filing of certificate with regard to his caste or getting registered in the Employment Exchange cannot entitle anybody including the present claimant for any legal right qua any post.

It is specifically denied that the claimant has rendered 328 days' service in terms of Section 25-B of Industrial Disputes Act, 1947, as alleged. The wages have been paid for all the days and whenever he had worked as per the rates prescribed. It is specifically denied that any artificial break was given. In the foregoing paras reasons for break have already been detailed. In any case it is specifically denied that the claimant had any status of temporary employee or probationer as alleged. There is no question of unfair labour practices, as alleged. It is specifically denied that the applicant had any right for the particular post, as alleged. In any case his candidature could have been considered in response to the advertisement for regular

post, however, since the applicant could not succeed because of non-fulfilling of the criteria and satisfaction of the conditions/qualifications.

It is absolutely denied that there was any representation or there was any question of any re-employment as alleged. It is a fact that the claimant is liable for the acts of cheating and misrepresentation in as much as the educational qualifications were concealed and misrepresented in such a manner so that the benefit of the same is drawn by the claimant. There is a direct contradiction between the contents of para 8 and para 18 of the claim. In any case, no advise could ever be given as alleged. The criteria was very much within the knowledge of the claimant and as such he is fully liable for any misrepresentation.

It is a matter of record that the name of the claimant was empaneled in the list as alleged. The correctness of Annexure-E to the claim petition is specifically denied.

It is specifically denied that the claimant was appointed as regular or permanent staff as alleged. The services of the claimant were not even availed on temporary basis or as Peon as alleged. There was no question of discharging duties as alleged.

It is specifically denied that the claimant had completed more than 240 days nor there was any termination/retrenchment. The Section 25-F of the Act is not applicable to the fact of the present case. There was no requirement/entitlement of any kind of declaration. The conditions of Section 25-F have not been satisfied at all. There are no legal support to the claim of back wages or any entitlement in favour of the claimant. The claimant have never been eligible and also that the provisions of 'Sastry Award' are applicable at all. It is a fact that the claimant cannot be treated as conferment regular employee as alleged.

It is an admitted fact that as per the advertisement the claimant had never been qualified hence minimum requirement could never be fulfilled despite the misrepresentation by the claimant which of course entitle the opposite party to initiate appropriate action. Even by its own admission, the claimant has not legal right nor any benefits can be drawn by a person who does not qualify the minimum qualifications. It is specifically denied that there was any knowledge with the opposite party rather the claimant is liable to be prosecuted for the offence of cheating, forgery and a misrepresentation specially in view of his own admission which is filed as Annexure-C to the claim petition.

It is specifically denied that there was any legal right for the claimant to have any hearing rather the personal guilt of the claimant compelled him for submitting any representation at all. In any case, there is no legal right accrued in favour of the claimant including any entitlement as natural justice. It is a fact a that there is no legal right in

avour of the claimant hence the question of reinstatement or full back wages nowhere applies.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It is admitted to the management that the workman has worked for 170 days.

It has been mentioned in the order of M/o. Finance, Department of Economic Affairs, Banking Division dated August, 1990 as under:—

"Only those temporary employees who had put in minimum temporary service of 90 days or more days after the cut off date will be considered under the scheme. In view of this circular of the government the case of the workman is to be considered."

It is admitted to the management that the workman has worked for 176 days so, the workman is entitled to empanelment in the list of casual labourers.

The management has filed Ex. MW1/2. This paper is not admitted by the workman and it is allegedly the marksheet of the workman but this photocopy document is not legible so, it is not admissible in evidence.

The case of the management is that the workman was 9th pass so, his case was not considered.

From perusal of the written brief it transpires that the eligibility qualification is 7th pass and it has been stated that the workman had studied up to 8th standard.

It is admitted to the management that the workman is a SC candidate.

It has been held in (1985) Supp. II SCR as under:—

It has disturbed us to find that the appellant was denied job because he had become better qualified. Perhaps the RBI and its officers are not aware of the grave unemployment problem facing the youth of this country and also not aware of the fact that graduates, both boys and girls sweep our roads and post graduates in hundreds, if not thousands, apply for the posts of peons. It has been our sad experience to find employers trying to stifle the efforts of employees in their legitimate claims seeking benefits under the Industrial Law by tiring them out in adjudication proceedings raising technical and hyper technical pleas.

The Hon'ble Apex Court has held that jobs should not be denied if a workman is better qualified. It has been also held in this case that the RBI is not aware of the fact that Graduates both Boys and Girls sweep roads and Post

Graduates in hundreds if not in thousands apply for the post of Peons.

This observation was made by the Hon'ble Apex Court in the year 1985. That fixing of the eligibility qualification as 7th standard, 8th standard & 9th standard is not justified at present.

There are two categories of employees Class-D & Class-C. Matriculates are eligible for Class-C employment as such, all non-matriculates should be eligible for Class-D employees. The prescription of the qualification for Peon i.e. 7th, 8th and 9th standard by different banks is not justified.

My attention was drawn to the Circular dated 20-7-1981, Staff Recruitment, temporary messengers' panel. It has been mentioned in this circular that minimum education should be 9th standard pass. It has been also mentioned that the maximum age limit is relaxable to SSLC fail in respect of SC & ST candidates. There is also mention that there should be relaxation in education and age for SC & ST candidates.

In the instant case the workman is a SC candidate. Even if he is 9th standard pass though, there is no proof of the same on the record, no relaxation of age and educational qualification has been given to him in view of the circular issued to all the Branches/Offices.

It cannot be said that one will stop studying after 7th standard or 8th standard in order to obtain a job in the office of the bank of Class-D employees. 8th, 9th pass and 10th fail candidates cannot apply for the post of Class-C. In case educational qualification is fixed as 5th standard or 7th standard gross injustice will be done to those candidates who are non-matric. They would not be eligible to appear in Class-C posts being non-matric and they would not be eligible for employment in Class-D posts. For considering the case of SC/ST candidates there must be relaxation in age as well as educational qualification.

From perusal of the records it becomes quite obvious that in the instant case working of 240 days is not necessary in view of the approach paper.

It is admitted to the management that the workman has performed duties for more than 200 days. He has not worked for one year or so. His name was empanelled as temporary employee and subsequently his services were terminated without payment of retrenchment compensation and one month's payment in lieu of notice. The management has violated Section 25 F of the ID Act, 1947 in not giving him retrenchment compensation and one month's notice pay in lieu of notice.

It is admitted even to the management that the workman belongs to SC category. After considering his eligibility criteria he was empanelled. The workman disclosed his educational qualification as is evident from perusal of the record. There is no concealment of

educational qualification. He was studying in 10th standard in the year 1986-1987. He was engaged for almost 200 days prior to 1991 and he has worked for more than 240 days after his empanelment.

The workman is actually a casual labourer. He must be doing some sort of work of and on to sustain his livelihood. In the facts and circumstances of the case the workman is entitled to reinstatement along with 25% back wages.

The reference is replied thus :—

The action of the management of Bank of Baroda in terminating the services of Sh. Gurdas Ram w.e.f. 24-12-94 is neither just nor fair nor legal. The management should reinstate the workman along with 25% back wages within two months from the date of the publication of the award.

Date : 09-06-2008

The award is given accordingly.

R. N. RAI, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1883.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के इवंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 152/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/220/1997-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.152/1997) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi, as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 23-6-2008.

[F. No. L-12012/220/1997-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI I.D. No. 152/1997

IN THE MATTER OF:

Shri Sukhnandan Kumar
S/o Shri Ramesh Kumar,
Vice President, AITUC,
80, Abrol Nagar,
Pathankot -145001.

Versus

The Chief Manager,
Punjab National Bank,
Kesarganj,
Meerut.

AWARD

The Ministry of Labour by its Letter No. L-12012/220/97/IR(B-II) Central Government dt. 30-9-97 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether the action of the management of Punjab National Bank, Meerut in terminating the services of Sh. Sukhnandan Kumar, Ex-Clerk-cum-Godown Keeper by treating him voluntarily retired from service w.e.f. 03-03-1995 is legal and justified? If not, to what relief the said workman is entitled and from which date?”

That the workman Shri Sukhnandan Kumar S/o Late Shri Mohan Lal resident of village Fatehabad, District Amritsar (Punjab) was initially appointed as Peon on 31-12-77 and subsequently promoted to the post of Clerk in the year of 1984-85 (Clerk-cum-Godown Keeper). That services of the workman concerned were terminated wrongly and illegally on 12-7-94 without any fault of the workman whereas the management had illegally passed an order of voluntarily retirement on 14-3-95 w.e.f. 3.3.95 with malafide intentions to just oust the workman from service, as such, this act of the management was unfair, unconstitutional and far away from the facts/ground realities of the said case.

That at the time of his illegal termination from service, the concerned workman was posted at Branch office Kesar Ganj, with respondent No. 3. The workman was migrated from Punjab in the year of 1986 in such a climate when terrorism in Punjab was at peak. At very relevant time, the workman concerned was posted at Fatehabad (Amritsar), due to danger to his life and family as he was receiving letters of threatening from the militants either to meet their demands or otherwise left the area. Under these circumstances, he migrated from Punjab and got shelter at Delhi, where on sympathetic grounds he was transferred from Fatehabad (Amritsar) to Delhi and thereafter the workman concerned was posted at Delhi and then transferred with respondent No. 3. From the date of his joining with respondent No. 3 at Kesar Ganj Branch, he got adamant attitude/behaviour from the Bank Manager as

the deductive approach, of the respondent No. 3. The reasons behind this harassment was only to oust the workman from service by one way and others. The workman concerned presented himself for duty but the respondent No. 3 did not allow the workman for duty since 12-7-94.

That no inquiry, charge sheet, show cause notice etc. were served upon the workman which is mandatory before passing any adverse order. The workman was not absent from duty intentionally since 12-7-94 by the management of Punjab National Bank Meerut (U.P.) this fact can be proved though the perusal of official record. The workman made numerous representations to the authorities concerned from time to time against this injustice which had been meted out by the respondent No. 3 but no heed had been paid to his justified requests and prayers and the name had been proved to be fruitless.

That this act of the management is highly objectionable in the eyes of laws which further transpires that the terminations so done by the respondents is contrary to the bye laws, framed by the management, from time to time as well as labour laws and other laws of the land. The principle of natural justice has to be violated while illegal termination of services of workman concerned.

Management filed written statement in which it was averred that the applicant workman absented himself from duties since 12-07-94 on various dates and as such the management came to the conclusion that he had no intention of joining his duties in the Bank. He was, therefore, called upon to report for duty within 30 days after 2-2-95 (Annexure-I), in terms of Para 17 of Fifth Bipartite Settlement, and explain for his absence failing which the bank would deem that he has voluntarily retired from the Bank's service on the expiry of the said Notice.

That the applicant workman did not report for duty in terms of the said notice dated 2-2-95 as such he was deemed to have voluntarily retired from the Bank's Service w.e.f. 3-3-95 on expiry of 30 days of notice period in terms of the aforesaid provisions of Bipartite Settlement and intimation to this effect was sent to the applicant workman vide letter dated 14-03-95 (Annexure-II).

That the notice dated 2-2-95 as well as intimation dated 14-3-95 were sent to Shri Sukhnandan Kumar by Regd. AD post in accordance with provisions of Para 19, 16 of First Bipartite Settlement dated 19-10-66, as amended and Shri Sukhnandan Kumar has not denied it.

That it is therefore evident from the aforesaid submissions that the applicant workman had himself abandoned the services of the Bank and he has been deemed to have voluntarily retired in terms of the provisions of Bipartite Settlement governing his conditions of service.

It is stated that the services of the applicant workman have not been terminated. He himself had absented from the Bank's duties for more than 200 days continuously as

such he has been deemed to have voluntarily retired from the Bank's services in terms of the provisions contained in Para 17 of 5th Bipartite Settlement dated 10-4-89 quoted hereinbefore at Para 2 of the Preliminary Submissions. Hence the action of the management is justified and legal being in conformity with the conditions of service of the workman agreed and settled at industry level.

That the applicant-workman was posted at B.O.: Kesar Ganj, Meerut at the time of his voluntary cessation of employment. The workman was in the habit of remaining absent from duty quite frequently for which he was warned and punished again and again as per the details given below:—

That he joined at B.O.: Kaisar Ganj, Meerut on 10-1-92 and during the period of next 13 months i.e., upto 10-02-93, he attended the office only for a period of 56 days, absenting thereby for more than 11 months. He was served with show-cause notice dated 10-2-93 for his said unauthorized absence and the punishment of warning was awarded to him vide order dated 22-02-93 of the Disciplinary Authority.

That he did not improve his conduct of remaining unauthorisedly absent from duties; inspite of the aforesaid warning as he again absented from his duties w.e.f. 20-10-92. For this unauthorized absence of around 6 months, a show-cause notice dated 17-4-93 was served upon him by the Disciplinary Authority for his unauthorized absence and the punishment of warning was awarded vide order dated 29-04-93 of the Disciplinary Authority.

That inspite of awarding 'warning' on two previous occasions, the workman did not improve his conduct of remaining unauthorisedly absent from duties as he attended the duties on 20-05-93, 24-05-93 and 25-05-93 and then again unauthorisedly absented from his duties for which show cause notice dated 16-6-93 was served upon him and the punishment of 'warning' was awarded to him vide order dated 15-7-93 of the Disciplinary Authority.

That the workman did not improve his conduct inspite of 3 warnings of the Disciplinary Authority as above and again absented from his duties unauthorisedly w.e.f. 26-5-93 for which the charge sheet dated 27-7-93 was served upon him in terms of para 19.5 (f) of First Bipartite Settlement dated 19-10-66, as amended. The departmental enquiry was conducted by giving full opportunity to the workman in defence and the charges levelled against the workman were found proved by the Enquiry Officer including the period of absence as stated above. The Disciplinary Authority, therefore, awarded the punishment of stoppage of four annual graded increments with cumulative effect vide order dated 03-02-95.

That inspite of issuance of the charge sheet dated 27-07-93, and pendency of the departmental enquiry, the workman again absented himself from duty w.e.f. 12-07-94 unauthorisedly and after his absence for more

than 200 days continuously, a notice dated 02-02-95 was issued to the workman in terms of clause-17 of 5th Bipartite Settlement dated 10-04-89, governing conditions of his service, advising thereby to report for duty within a period of 30 days. Since the workman did not comply with the instructions of the Bank, he was deemed to have voluntarily retired from the Bank's services w.e.f. 03-03-95 and intimation to this effect was sent to him vide letter dated 14-03-95.

The aforesaid submissions under this para indicates that the workman has not come with clean hands before this Hon'ble Tribunal as he has not disclosed his aforesaid unauthorized absence from duty and the action taken by the Bank against him in this regard from time to time.

It is stated that the charge sheet or enquiry was not necessary for compliance of provisions of Clause-17 of 5th Settlement dated 10-04-89. However, the applicant was served with a notice dated 02-02-95 to report for duty within a period of 30 days failing which it would be deemed that he had voluntarily retired from the Bank's services on the expiry of said notice. Since, the applicant workman did not report for duty within the said period of 30 days, he was deemed to have voluntarily retired from the Bank's Service w.e.f. 03-03-95 i.e., on expiry of Notice period of 30 days as per Bank's rules.

It is stated that the applicant workman has been deemed to have voluntarily retired from the Bank's services in terms of clause-17 of 5th Bipartite Settlement dated 10-04-89 governing conditions of services of the said workman agreed, settled and binding in terms of provisions of Industrial Disputes Act, 1947.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the services of the workman was terminated wrongly and illegally on 12-07-1994. The management has illegally passed the order of voluntary retirement on 14-03-1995 w.e.f. 03-03-1995 with a malafide intention to just out the workman from the service.

No inquiry, charge sheet or show cause notice was given to the workman. The workman migrated from Punjab in the year 1986 in a climate when terrorism in Punjab was at its peak. He was receiving letters of threatening from the militants either to meet their demands or otherwise leave the area. The workman was transferred from Fatehabad (Amritsar) to Delhi.

It was submitted from the side of the management that the workman was in the habit of remaining unauthorisedly absent on various occasions as such 30 days notice dated 02-02-1995 was served on him. He did not even reply to the notice and so he was voluntarily retired by order dated 14-03-1995 w.e.f. 03-03-1995.

The workman absented for 200 days and after absence of 200 days, 30 days notice was given to report to duty or give satisfactory explanation but the workman neither joined the duty nor gave any satisfactory explanation, so he was treated as voluntarily retired. That the workman at BO Kesarganj, Meerut from 10-01-1993 to 10-02-1993 attended office only for 56 days. Warning was issued to him by order dated 22-02-1993. The workman again absented for about six (06) months and he was given punishment of warning vide order dated 29-04-1993. Despite warning on two occasions the workman did not improve his conduct. He again absented unauthorisedly and punishment of warning was again served on him on 15-07-1993.

It becomes quite obvious from perusal of the record that the workman was a habitual unauthorized absentee. He remained un-authorisedly absent on three occasions and he has been served charge sheet and warned by the management still he remained un-authorisedly absent for the 4th time from 12-07-1994. Notice was served on him under Clause 17 BPS. The workman did not report for duty so he has rightly been treated as voluntarily retired.

It has been held in 2001 I LLJ as under :—

“Termination of Services—Employee of Bank—for unauthorized absence from duty—Employee defaulted in not offering explanation for unauthorized absence from duty nor placed any material to prove he reported for duty within 30 days of notice as required in terms of Bipartite Settlement—High Court proceeded on erroneous basis of non compliance with principles of natural justice. There was agreement between parties as to manner in which situation should be dealt with and consequences that would follow—High Court's order set aside.”

The management has given 30 days notice after his 90 days absence. He did not turn up or filed any explanation regarding his unauthorized absence. The management has rightly treated the workman as voluntary retired.

It has been held in 2001 I CLR 468 by the Hon'ble Apex Court as under:—

“Termination of service was validly effected in view of the BPS and High Court erred in quashing termination.”

It has been further held in the case of D.K. Yadav V. JMA Industries 1993 II CLR 116 (SC) as under:—

“While allowing the impugned appeal and setting aside award of the Tribunal and judgments of the High Court it is held that undue reliance on the Principles of

natural Justice by the Tribunal and even by the High Court has certainly led to the miscarriage of justice as far as the bank is concerned, that bank has followed the requirements of clause 16 of the BPS wherein the principles of natural justice are in-built and that the bank rightly held that Dayananda had voluntarily retired from the service of the bank."

It becomes quite obvious that no inquiry is required under clause 17 BPS. Only requirement is service of notice of 30 days after 90 days of unauthorized absence.

In the instant case the workman was absent for 200 days unauthorisedly and 30 days notice was sent to him on 02-02-1995. He did not report for duty or submitted explanation, so the management has rightly treated him voluntarily retired from service.

The reference is replied thus :—

The action of the management of Punjab National Bank, Meerut in terminating the services of Sh. Sukhnandan Kumar, Ex-Clerk-cum-Godown Keeper by treating him voluntarily retired from service w.e.f. 03-03-1995 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 09-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1884.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की अंगत 17 के अनुसरण में, केन्द्रीय सरकार पंचाब एण्ड सिंध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 66/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/121/1996-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1884—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/1997) of the Central Govt. Indus. Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the industrial dispute between the management of Punjab and Sindh Bank and their workmen, received by the Central Government on 23-6-2008

[F. No. L-12012/121/1996-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE :—**PRESIDING OFFICER:**
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II, NEW
DELHI

PRESIDING OFFICER: R. N. RAI I.D. No. 66/1997

Complaint No. 47/2000.

IN THE MATTER OF

Shri Manjot Singh (Ex-Asstt. Cashier,
Through the Secretary,
Delhi Area Committee,
Punjab & Sind Bank Staff Federation (Regd.)
G-2-21, Sec. 11, Noida
Delhi - 110035.

VERSUS

The Deputy General Manager,
Punjab and Sind Bank, Zonal Office,
18/90, Connaught Place,
New Delhi.

AWARD

The Ministry of Labour by its letter No.L-12012/121/96-IR(B-II) dated 12-05-97 has referred the following point for adjudication:

The point runs as hereunder:—

"Whether the action of the management of Punjab & Sindh Bank, Naya Bazaar in imposing punishment of stoppage of increment for six months and recovery of Rs. 1,200 p.m. on Sh. Manjot Singh Marwah, Asstt. Cashier is legal and justified? If not, to what relief the said workman is entitled?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the facts of the case in dispute are given below. The workman is permanent employee of the Punjab & Sind Bank hereinafter referred to as "Bank" and is presently working at its branch office at Naya Bazaar, Delhi. The workman was originally appointed as an Assistant Cashier with the Bank and on 01-01-86 he was posted as current account Clerk and this action of the Bank was protested by the workman as the said order of transfer was issued against the norms followed in the bank. A copy of the representation of the workman enlisting the objection is annexed as Annexure-I.

That during the course of this employment, the management illegally issued a charge sheet to the workman dated 03-05-93 for the alleged acts of committing fraud prejudicial to the interest of the bank and wilful insubordination and disobedience of lawful and reasonable order of the management. The said charge sheet was issued after seven years of the alleged happenings forming the basis of fabricated allegations. A copy of the charge sheet dated 03-05-93 is annexed as Annexure-II.

That alongwith the charge sheet dated 03-05-93 the workman was neither provided with the details of the alleged fraud, nor any materials supporting the charges were provided thus depriving the workman of an effective opportunity to reply the charge sheet against the allegations leveled against him which is against the norms of the principles of Natural Justice.

That the workman filed the reply to the charge sheet dated 16-07-94 denying the charges levelled against him. A copy of the reply dated 16th of July, 1997 is annexed as Annexure-III.

That the management instituted the domestic enquiry and appointed one Shri G.S. Malik, Senior Manager as an Enquiry Officer who did not conduct the enquiry at all but was replaced by another officer Shri G.S. Sachdeva whose appointment was not notified by the bank to conduct the enquiry in accordance with procedures followed in the bank.

That during the course of the enquiry proceedings the management amended the charge sheet dated 03-05-93 by the agenda dated 09-05-94 after a lapse of more than one year. This time also, the workman was not given any time to give the reply to the amended charge sheet. A copy of the agenda dated 09-05-94 is annexed as Annexure-IV.

That the management did not examine even a single witness to prove the charges thus failed to prove any of the charges framed against him during the enquiry.

That in the enquiry proceedings, the management failed to establish their case against the allegations No. 1,2,3 and 4 and Enquiry Officer held the workman not guilty of allegations No.1,2,3 and 4. The management failed to establish the charge of fraud as per clause 19.5(j) of the Bipartite settlement. A copy of the enquiry report is annexed as Annexure-V.

That regarding the allegation No.5 the finding of the Enquiry Officer are perverse, malafide, wrong and not based upon the facts. The learned E.O. held the workman guilty of gross misconduct under 19.5(j) and (e) of the Bipartite settlement which is not supported by any evidence on record. The Enquiry Officer and Disciplinary authority failed to appreciate the procedure followed for tallying the balances in as much as that in case the balances for a particular month did not tally, it is but natural that the balances for subsequent months also could not have been tallied, but there is no allegation regarding non-tallying of balances in subsequent months. Further, the same management admitted before the conciliation officer by their letter dated 11-5-95 that the total recovery of the amounts have been effected leaving no balance outstanding. Yet a sum of Rs. 1200/- per month has been ordered to be deducted from the salary of workman in violation of the order of the Disciplinary Authority that if full recovery of the amount is effected, the amount recovered from the workman be set off. The letter addressed by the bank to the conciliation officer is annexed as Annexure VI and the order of the disciplinary authority annexed as Annexure VII.

That despite the exoneration of the charges by the Enquiry Officer, the biased management did not close its mind against the workman and without any plausible reason, the Disciplinary Authority rejected the findings of the Enquiry Officer and issued an order dated 01- 02-95 proposing the punishment of stoppage of increment for six months of C.S.E. and issued the recovery of Rs. 1200/- per month for making good the loss of Rs. 73,347.06 alongwith 12% p.a. simple interest. The Disciplinary Authority also held that in case recoveries are effected from the parties, the same shall be set off against the amount of Rs. 73,347.06 to be recovered from the workman. Findings of the Enquiry Officer in this regard reveals that the P.O. confirmed the amount of excess credit stood recovered. A copy of the order dated 01-02-95 is annexed as Annexure VII. The workman filed his reply on 13-02-95 against order dated 01-02-95. A copy of reply dated 13-02-95 is annexed as Annexure VIII. The prejudice and bias of the Disciplinary Authority is reflected by the manner in which he without considering the reply of the workman confirmed the punishment on 17-02-95. A copy of the D.A's order dated 17-02-95 is annexed as Annexure-IX.

The Management has filed written statement. In the written statement it has been stated that the reference is only to the extent whether the punishment order passed by the Management commensurates with the gravity of charges up held by the Appellate Authority. As the chares stood proved on the basis of an enquiry which was legal and fair and in which the claimant was given full opportunity to defend himself punishment of stoppage of increment for six months for posting the entries wrongly in various currents accounts when he was posted at Branch Office Singhola and non-tallying of balances allotted to him and thereby causing a financial loss of Rs. 73347.06 to the Bank is justified.

As the claimant had caused a financial loss to the Bank to the tune of Rs. 73347.06, therefore, vide order dated 17-2-1995 the Disciplinary Authority ordered the recovery of the said amount alongwith 12% simple interest per annum. The recovery was to be effectuated by deduction of Rs. 1200 from the salary of the claimant. As the claimant has not challenged the final order of the Appellate Authority the claimant is not entitled to any relief.

Prayer clause of the claimant clearly reveals that the claimant is challenging the order of the proposed punishment of stoppage of increment for six months. As the claimant has not challenged the final order of punishment the claim is not maintainable.

That the claim is barred by estoppel. "The Civil Court having rejected the same/similar relief in Suit No.465/95 vide order dated 6-12-1995 and a suit is pending in the Court of Shri Manu Rai Sethi claiming the same/similar relief. The claimant cannot avail the same remedy in both the forums.

It is submitted that the workman was originally appointed as Peon and not as an Assistant Cahier, as alleged. On 1-1-86 he was posted as current account clerk in B.O. Singhola. He was transferred to Kashmere Gate Branch owing to exigencies of service."

The workman was issued charge sheet dated 3-5-1993 for performing his duties fraudulently by colluding with various parties of current account and affording them invisible excess credit. He was also charged for non-tallying of current account balances. The charge sheet was issued to the claimant as soon as the discrepancies were detected by the respondent. The copy of the charge sheet being a matter of records needs no comments.

The details of the alleged fraud were detailed in the charge sheet dated 3-5-1993. The enquiry was held in consonance with the principle of natural justice wherein the workman was afforded full opportunity to inspect the documents filed by the Management. As the enquiry was held in consonance with the principle of natural justice no prejudice has been caused to the workman.

The Management instituted the domestic enquiry. Sh. G.S. Malik appointed as Enquiry Officer was replaced by another person Sh. G.S. Sachdeva due to administrative reasons. As the enquiry was held in consonance with the principle of natural justice wherein the claimant was afforded full opportunity to defend himself no prejudice has been caused to him by the said enquiry.

The charge sheet dated 3-5-1993 was amended vide agenda dated 9-5-1994 and full opportunity was granted to him to put up his defence in the enquiry proceedings, which was duly availed by him. As the enquiry was held in consonance with the principles of natural justice wherein no prejudice has been caused to the workman, the workman cannot assail extraneous issues.

As the Management did not think in the fitness of things to examine any witness as the charges proved on the basis of the documentary evidence. As the charges stood proved in an enquiry which was held in consonance with the principles of natural justice in which full opportunity was granted to the workman to defend himself no prejudice has been caused to the workman.

A bare perusal of the enquiry proceedings and enquiry report would reveal that the enquiry was held in consonance with the principles of natural justice and the charges stood proved on the basis of the documentary evidence.

The findings of the Enquiry Officer as regards charge No. 1 were disagreed by the Disciplinary Authority who held the charges to be proved on the basis of the documentary evidence available on record. As the gravity of the established charges tantamount to gross misconduct as per clause 19.5 (j) (e) of the Bipartite Settlement the same were duly recorded by the Enquiry Officer. The workman cannot take the benefit of his own acts of omission and commission once the charges stood proved on the basis of documentary evidence on record. The workman cannot be allowed to reprobate and proceed on conjectures and surmises when he had availed the opportunity to put up his defence. It is wrong and denied that the Management admitted before the Conciliation Officer that the total recovery has been effected. As financial loss to the tune of Rs. 73347.06 has been caused by the workman to the respondent deduction of a sum of Rs. 1200 per month from the salary of the workman which is legal and justified. It is

correct that the Disciplinary Authority ordered that if the full recovery of amount is effected by the workman from the party by the workman, the amount to be recovered from the workman would be set off.

The Disciplinary Authority did not concur with the reasoning of the Enquiry Officer and held the charges to be proved on the basis of the departmental enquiry on record. As the workman had caused financial loss to the respondent to the tune of Rs. 73347.06 vide order dated the recovery was to be effectuated by deduction of Rs. 1200 per month from the salary of the workman for making good the loss of Rs. 73347.06 alongwith 12% simple interest per annum. The findings of the Disciplinary Authority being a matter of record needs no comments. The correspondence exchanged between the workman and the Disciplinary Authority being a matter of records needs no comments. The Disciplinary authority passed the order dated 17-2-1995 after taking into cognizance the reply filed by the workman and entire documentary evidence available on record of enquiry proceedings.

The findings of the Enquiry Officer as regards charge No.1 were not based on correct appraisal of facts and, therefore, were not agreed by the Disciplinary Authority gave his own reasoned findings based on the enquiry proceedings and the documentary evidence available on record. Workman was given opportunity to represent against this order and he duly availed this opportunity.

By mere disagreeing with the findings of the Enquiry Officer doesn't surface any bias or prejudice to the disciplinary authority as the order of the Disciplinary Authority was based on the analysis of enquiry proceedings and evidence on record and, therefore, the same was legal and justified.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was served a illegal charge sheet on 03-05-1993 for alleged acts of committing fraud prejudicial to the interest of the bank and willful insubordination and disobedience and lawful and reasonable order of the management.

That the Inquiry Officer Sh. G. S. Malik was changed and appointment of Sh. G.S. Sachdeva was not notified. The management did not examine even a single witness to prove the charges. The Inquiry Officer found the allegations 1, 2, 3 & 4 not proved. He found charge no.5 proved. The findings of the Inquiry Officer are perverse, malafide, wrong and not based upon the facts. The total recovery of the amount has been effected, still a sum of Rs. 1200 pm has been ordered to be deducted from the salary of the workman in violation of the orders of the DA.

The DA has ordered that after full recovery of the amount the amount recovered from the workman be set off.

It was submitted from the side of the management that the charges stood proved on the basis of inquiry which was legal and fair and in which the claimant was given full opportunity to defend himself. The punishment of stoppage of increment for six months for posting the entire wrongly in various Current Accounts and non-tallying of balances allotted to the workman, caused a financial loss of Rs. 73343.06 to the bank. The workman participated in the inquiry. He filed Civil Suit.

The workman was charged for performing his duties fraudulently by colluding with various parties of Current Accounts and affording invisible excess credit. He was also charged for non-tallying of Current Account balances. The chargesheet was issued as soon as the discrepancies were detected. The Inquiry is valid, fair and the punishment is also proportionate.

It becomes quite obvious from perusal of the record that the workman was posted as Assistant Cashier and on 2-8-1986 he credited Current Account No. 203 with Rs. 70,000 instead of Rs. 7,000 thereby giving excess credit of Rs. 63,000 to the party. On 24-02-1986 he credited Rs. 25,500 in the Current Account and afforded excess credit of Rs. 25,500. On 28-01-1986 he posted Rs. 60,000 but did not reduce the balance and gave excess credit of Rs. 60,000. He was served chargesheet for acts of committing fraud prejudicial to the interest of the bank and willful insubordination and disobedience of lawful authority.

From perusal of the findings of the Inquiry Officer it becomes quite obvious that the charge No. 1 to 4 were not proved. The workman did not make any false credit entry. The Inquiry Officer has found charge No. 5 proved.

It was the duty of the workman as Assistant Cashier to tally the balances of the accounts but he did not perform his duties. The amounts withdrawn by the Current Account Holders were not debited from their accounts and thus, there remained excess balances and the account holder withdrew the money. The workman was assigned with the duty of tallying balances but he did not tally and balance the accounts of the Current Account Holders. Excess balances remained in their account so they withdrew the money.

From perusal of the inquiry report it becomes quite obvious that all the documents regarding not tallying and balancing the accounts have been filed with the inquiry proceedings and the copies of the same were given to the workman also. The Inquiry Officer took those documents and asked the CSE to deny those documents since the CSE was the Assistant Cashier, it was his duty to tally and balance the accounts. He did not perform his duties as such excess amount remained in the accounts of the Current Account Holder and they withdrew the money. A loss of Rs. 73,340.06 was caused to the bank on account of the negligence of the workman in not balancing and tallying and debiting the account of the Current Account Holders.

The charges regarding making false entries in the accounts have not been found proved by the Inquiry Officer.

In such case the documents themselves are a proof. The workman has not debited the amount withdrawn by the Current Account Holders. Balances remained as usual and the account holders withdrew the money. A loss to the bank was caused by negligence of the workman. The DA has rightly ordered for recovery of the entire amount from the salary of the workman as loss to the bank was caused by his negligence.

Negligence of the workman is proved by the documents themselves, in such circumstances no oral evidence is required.

It was an act of negligence that is why the management has imposed the punishment of stoppage of one increment for six months. The punishment in the light of the negligence of the workman is not harsh. His negligence is proved by the instruments produced in the course of inquiry.

The workman has filed complaint No. 27/2000 as the management started recovering the amount while the case was pending and the workman has stated that the management has caused change in service conditions. No change in service conditions has been caused as the recovery of the amount was made in view of the order of the DA. It may be made at any stage.

It was submitted from the side of the workman that the entire amount has been recovered and the DA has held that in case the amounts are recovered there should be set off and the workman should refunded the amount taken from his salary. In case the depositors have made good the loss to the bank by depositing money withdrawn excess, the management should refund the entire amount realized/recovered from the salary of the workman. The punishment of stoppage of one increment for six months is just in view of the negligent act of the workman.

Principles of natural justice have been observed. The workman was supplied with all the documents to be relied upon in the inquiry proceedings and the documents were given to him. He did not deny the documents. He was given opportunity to defend himself and to make representation to the proposed punishment. No interference is required.

The reference is replied thus:—

The action of the management of Punjab & Sindh Bank, New Delhi in imposing punishment of stoppage of increment for six months and recovery of Rs. 1,200 p.m. on Sh. Manjit Singh, Marwah, Asstt. Cashier is legal and justified. In case the amount of Rs. 73,347.60 excess withdrawn by the A/c. Holders have been deposited by them, the workman will be refunded the entire amount recovered from his salary within two months from the date of the publication of the award.

The award is given accordingly.

Date: 17-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 168/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/47/1999-आई आर (बी-11)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 168/1999) by the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, New Delhi, as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda Regional Office, Pt. Shankar Dutt Marg, and their workmen, which was received by the Central Government on 23-6-2008

[F. No. L-12012/47/1999-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI. I.D.NO.168/1999

IN THE MATTER OF :—

Sh. Damodar Prasad through
Uttar Pradesh Bank of Baroda
Employees Union, UP BOB Emps. Union (WZ)
Bank of Baroda, 188, Abu Lane,
Meerut (UP)

VERSUS

The Regional Manager,
Bank of Baroda, Regional Office,
Pt. Shankar Dutt Marg, Civil Lines,
Moradabad (UP) - 244001.

AWARD

The Ministry of Labour by its letter No.L-12012/47/99-IR (B-II), dated 04/11/06-99 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Bank of Baroda, Mussore in terminating the services of Sh. Damodar Prasad Ex-Casual Labour w.e.f. 25-5-98 is just fair & legal ? If not, what relief, he is entitled to and from what date?”

The workman-applicant has filed claim statement. In the claim statement it has been stated that the workman, Shri Damodar Prasad had been working in the Kulri, Mussorie Branch from 6-7-95 till the illegal termination

of services i.e. 23-5-98, as peon. The workman had been performing the duties of regular Peon in the said branch of the Bank. But the bank has shown him as daily-wager on record. From 6-7-95 to 23-5-98 the workman worked continuously as Peon.

That the bank had not issued any appointment order, though required to be issued under Para 495 of Shastri Award. Under the provisions of the Bi-partite Settlements particularly under clause 20.8 of the First Bi-partite, a temporary employee cannot be kept for more than three months period and the bank must make arrangements to fill the permanent vacancies. But continuously extracting regular and permanent nature of work of a peon from the workman itself is indicative of the permanent appointment. Under clause 20.7 temporary employees can be employed only for contingencies mentioned in that clause, otherwise not. The workman was not employed for those contingencies. Hence the employment of the workman was permanent in nature.

That the workman did perform the following duties regularly and continuously.

Moving records/registers/documents from one table to another /to the counters.

Going to post office to lodge bank's ordinary/registered dak, telegrams, etc.

Depositing the amounts of electricity bills, telephone bills.

Taking documents to other banks in connection with inter-bank transactions.

Cleaning of tables, dusting records/registers, serving water /tea to staff and customers and other odd jobs.

Other routine work of peon including stitching of documents.

That the workman was illegally terminated from the services of the bank on 23-5-96. No notice or notice pay or retrenchment compensation, as contemplated under para 522 of Sastri Award and Sec. 25-F. Hence the bank has violated Sec. 25-F. Hence the termination of services of the workman is void ab initio. Sections 25-G & H of ID Act for have also not been complied with. No seniority, as required under Central Rules was maintained by the bank. The principle of First come Last go was not followed. Therefore the Rules 76, 77 & 78 of Central Rules have been violated.

That the bank had been paying only fixed sum as wages to the workman. On certain dates the bank had paid the wages to the workman without taking signature of the workman on the voucher. Because deliberately put somebody's name in the voucher, though the work was performed by the workman in order to deprive the workman of his legal rights. The Labour Enforcement Officer visited the Branch and verified the records on 6-8-98. It is revealed during the spot verification that the bank paid the wages in different names or assumed names to the workman. Suffice to cite some instances. The Mussorie branch had written letter dated 26-9-97 to State Bank of India and letter dated 6-3-98 to Punjab & Sind Bank mentioning therein that the bank was deputing Shri Damodar Prasad, a staff member

for collecting some cheques on behalf of the bank, but the payment of wages were made to the workman in the name of Shri Dinesh and Shri Rajesh, instead of in his own name.

That the action of the bank in extracting regular and permanent nature of work but treating as daily wager; paying only fixed sum as wages and sometimes in assumed names: not issuing appointment order; not paying scale wages; not extending other facilities, various types of leave, and other service benefits, as admissible to the regular employees of the bank in the subordinate cadre, would amount to unfair labour practice. Bank being a Model Employer, it should not practice unfair labour practice or adopt other arbitrary and illegal means to employee persons at their whims on Hire & Fire basis.

That the bank took advantage of weak bargaining power of the workman and exploited him by extracting regular nature work on little wages. Continuing as casuals or badies or temporary and terminate their services at the whims and fancies is arbitrary, unreasonable, unjustified. It would amount to unfair labour practice, as defined under sec. 2 (r) and it would fall under Item No. 10 of Schedule V of I.D. Act. It is also against the constitutional goals and social justice.

That the details of number of days worked and wages received including in assumed names by the workman are given in the chart 'A' to this claim. The employment was continuous one. The workman was not paid on Sundays and other Holidays. The workman has put in continuous period of 240 days in 12 calendar months preceding to the date of illegal termination and hence entitled to the protection of Sec. 25-F of I.D. Act.

That the workman was not allowed to mark any attendance, no leave was granted, no over time was paid though worked beyond normal working hours daily.

That the workman performed duties to the entire satisfaction of his superiors and had given no room for any grievances during the entire period of his service i.e. from 1995 to 1998.

That the continuous employment of workman itself confers a right to employment in the bank, and particularly the protection of Sec. 25-F of I.D. Act. The contention of the bank that the workman was not appointed by the competent authority is unjustified and without any merit. Without the knowledge of the higher authorities including the Regional Manager, the workman could not have been allowed to continue in the services of the bank for more than three years. The Bank is stopped from making such plea at this stage. It has acquiesced by its conduct and hence it is not open to the bank to contend that the appointment was not made by the competent authority. Employing as casuals / temporary / daily wager is unfair labour practice being in negation of the Object and Scope of the Industrial Disputes Act, 1947.

That when even a person who works satisfactorily in a permanent post/vacancy is considered fit to be made permanent in terms of the relevant provisions of the Shastri Award, as modified in the Desai Award, governing the workmen appointed on probation the workman concerned herein, whose employment was continued even beyond six

months, would be deemed to have been suitable for permanency after he had worked satisfactorily for much more than six months.

That non-issuing of appointment order is violative of para 495 of Sastry award and this would not detract or disentitle the workman from the fact that he is entitled to permanent employment in the bank. In view of the long and continuous service the workman is deemed to be a permanent employee of the bank.

That the bank has violated paras 522(1), 522(4) and 522(5). Even a daily wager is to be given notice prior to termination of his service in writing which was not done by the bank.

That therefore the workman is entitled to be reinstated in services of the bank with all consequential benefits, as the termination of services being illegal, invalid and ab initio void.

The Management has filed written statement. In the written statement it has been stated that the Bank never recruited, appointed and employed the said Shri Damodar Prasad establishing vinculum juris i.e. jural master & servant employer-employee relationship with him, a prerequisite for the accrual and existence of an 'industrial dispute' as defined under section 2(k) of the Industrial Dispute Act 1947.

That in the absence of such a relationship between the bank and the said Shri Damodar Prasad as mentioned in the preceding para, neither the union could validly take up his cause nor the Government could lawfully assume the existence of an 'industrial dispute' between the parties to the order of reference, much less in the terms specified therein, and validly make the instant reference by exercising its reference making powers U/s 10 of the Act. Thus the instant reference order is wholly arbitrary, contrary to the provisions of law and the authoritative pronouncements of law courts in the country.

That since the dispute which the union had raised with the management of the bank and which was the subject matter of conciliation proceedings before the I.D. Conciliation Officer and in respect of which alone he submitted his failure report to the Government and on a consideration of which the Government had made the instant reference, was about the regularization of the services of the said Shri Damodar Prasad therefore the instant reference for adjudication on the specified terms is patently arbitrary, not in conformity with the mandate of law, without and/or in excess of authority of law and hence the reference order is illegal and invalid.

That the union, at whose instance the instant reference has emanated, neither espoused the cause of the said Shri Damodar Prasad nor could it lawfully raise an 'industrial dispute' on his behalf without his being an employee of the answering bank.

That in view of the above contentions the Government has made the instant reference without and/or in excess of its reference making powers under the Act. That since the order of reference is invalid for the reason mentioned hereinabove this Hon'ble Court, it is respectfully submitted, is a 'forum non juris' lacking necessary

competence and jurisdiction to take cognizance of the same and hold any proceedings for answering the terms of reference except declaring that the reference is invalid and this court can not proceed with the same.

That since the union's SOC is not in conformity with Rule 10-B of the Industrial Disputes (Central) Rules, 1957 and is in defiance of the Government's directives therefore the SOC is liable to be rejected and returned to the Union and the proceedings declared as concluded.

That the bank never recruited, appointed and employed the said Shri Damodar Prasad. Consequently therefore there was no obligation in law requiring the management to issue appointment letter to Shri Damodar Prasad. The union's reference to and reliance upon the provisions of Sastry Award and bipartite settlement is misplaced and misconceived because the said Award and Settlement are not binding and in any case the same are applicable only to those who have been duly recruited, appointed and employed by the competent authority, in the case of sub-staff, the Regional Managers and not the Branch Managers. It is stated that no one can claim the status as a permanent employee merely because he had been engaged on or against a permanent post or a vacancy.

That in addition to discharging his contingent and ad-hoc nature of duties during the period Shri Damodar Prasad was deployed from time to time by the Branch Manager, he might have also been required to do some of the work in the branch. Be that as it may that would not imply that the said Shri Damodar Prasad was an employee of the bank.

That since the said Shri Damodar Prasad was not an employee of the bank as he had not been employed therefore there was no termination of his services by the management and as such there was no violation by the management either of the said Award or the provisions of the Act as assumed and alleged by the Union.

That the branch manager might have asked the said Shri Damodar Prasad to do the peon's job as mentioned by the union.

That the bank is a law abiding and model employer. It is submitted that absenteeism being a chronic habit amongst employees, every employer—Government, statutory body or a private one, is under constant constraint to engage on ad hoc or temporary basis daily wagers for coping with the passing contingency due to absence of permanent employees. It may be stated here with relevance that the branch manager of Mussoorie Branch of the bank had to engage on ad hoc basis from time to time daily wagers as both the permanent sub-staff in the branch used to often remain frequently absent unauthorisedly or on leave of absence on loss of pay. Thus it was in the efficient working of the branch that the branch manager deployed the said Shri Damodar Prasad and others on ad hoc basis as daily wagers.

That neither the said Shri Damodar Prasad was entitled to the protection u/s 25-F of the Act nor was he entitled for payment for Sundays and other holidays on which he was not engaged and did not work. Furthermore, as the said Shri Damodar Prasad was not a regular muster roll employee of the bank therefore he was not entitled to

any leave with pay or to mark his attendance in the register for the bank employees working in the branch.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement.

It transpires from perusal of the order sheet that affidavit of the management was filed on 20-10-2006. Evidence of the management was closed on 24-09-2007 by the then Presiding Officer, CGIT-I, New Delhi. Heard arguments from the side of the workman.

It was submitted from the side of the workman that he worked as daily wager from 06-07-1995 to 23-05-1998 for approximately three years continuously as Peon. No notice pay or retrenchment compensation was paid to him as contemplated Para 522 of Sastry Award and Section 25 F of the ID Act, 1947. The management has acted in breach of Rule 76, 77 & 78 of Central Rules. The case of the management is that the workman might have been deployed for discharging contingent and ad-hoc nature of duty during the period by the Branch Manager but he was not an employee of the bank. The workman was not entitled for payment of Sundays and holidays. Section 25 F of the ID Act, 1947 has not been violated.

From perusal of the record it transpires that the workman has filed documents in support of his case paper No. 1 to paper No. 42 (WWI/I to WWI/52). These are vouchers regarding payment made to the workman. The management has denied these documents but these are on the letter head of the management and it contains seal and signatures of the management. These vouchers and the letter of the Branch Manager amply prove that the workman has worked for more than 240 days in every year of his engagement. He has not been paid retrenchment compensation and pay in lieu of notice.

It is settled law that if a workman has worked for 240 days continuously he should be given retrenchment compensation and 15 days salary for every completed year in lieu of notice.

It is not the case of the management that the work does not exist with the management.

It becomes quite vivid from the record that the workman has worked continuously but payment to him has been made in fictitious name. It cannot be said that the bank has no knowledge of this case. The workman has proved the averments of his claim by cogent documentary as well as oral evidence.

It has been held in 2008 Lab IC page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation. Reinstatement of daily wager found legal.

In view of the judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/absorption or making permanent. The management cannot dis-engage a workman and take another workman at his place as it would infringe the provisions of Section 25 G & H of the ID Act, 1947. In the circumstances, management should reinstate the workmen as casual labourers.

The workman is a manual worker. He must be doing some sort of work off and on. He is not employed in any establishment. He must have been doing some sort of work for his survival and of his family members. In the facts and circumstances of the case the workman is entitled to get 25% back wages.

The reference is replied thus: -

The action of the management of Bank of Baroda, Mussoorie in terminating the services of Sh. Damodar Prashad Ex-Casual Labour w.e.f. 25-5-98 is neither just, nor fair nor legal. The management should reinstate the workman w.e.f. the date of his termination along with 25% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date: 16-06-2008

R. N. RAJ, Presiding Officer

नई दिल्ली, 23 जून, 2008.

का. आ. 1886.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 11/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[सं. एल-12012/218/2004-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2005) of the Central Government Industrial Tribunal-cum-Labour Court Kanpur, as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 23-6-2008.

[No. L-12012/218/2004-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM- LABOUR
COURT, SHIRAM BHAWAN, A.T.I. CAMPUS,
UDYOG NAGAR, KANPUR.

Industrial Dispute No. 11 of 2005

The General Secretary,
Bank of Baroda Staff Association,
Madhav Bhavan, Civil lines, Kanpur.

And

The Assistant General Manager,
Bank of Baroda, Regional Office,
13 MG Road, Agra.

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-12012/218/2004-IR.B-11 dated 20-04-2005, has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of Bank of Baroda Agra in imposing the punishment on Mr Chetan Dass Karira workman vide order dated 26-05-03 is legal and justified? If not to what relief the workman concerned is entitled?

2. It is common ground that the workman was employed with the opposite party and that he was issued a charge sheet dated 24-09-02 by the disciplinary authority and Assistant General Manager of the opposite party. The inquiry in his case was commenced by the enquiry officer on 24-10-02 and concluded on 24-12-02 in four sittings and thereafter the enquiry officer submitted his findings to the effect that para 1 and 2 of the charge sheet are proved and para 3 of the charge sheet is not proved. The Assistant General Manager/Disciplinary authority forwarded a copy of findings to the workman vide letter dated 02-04-03, asking the workman to make his submissions over the findings of the enquiry officer. The disciplinary authority again vide his letter dated 06-05-03 has issued a show cause notice proposing the punishment of “Reduction by one stage in the scale of pay for a period of one year which will have the effect of postponing his future increments.” The workman was also granted personal hearing on the basis of proposed punishment and thereafter the disciplinary authority inflicted the proposed punishment on the workman by passing final orders dated 26-05-03. Appeal against the final order made by the workman could not find favour which was ultimately rejected by the appellate authority vide order dated 11-11-03.

3. In the above back drop the entire disciplinary against the workman has been challenged by the Union on his behalf, *inter-alia*, on the ground that there is no evidence on record that the workman indulged in riotous or disorderly behaviour and there is also no evidence on record of the enquiry of any loss or prejudice caused by the workman to the bank and under these circumstances findings of the enquiry officer that the workman participated in the demonstration is perverse; that organizing dharna or staging demonstration do not constitute misconduct warranting disciplinary action and if any workman is taken up under disciplinary action for the above trade union activities that would mean to eliminate the trade union activities and from this point of view punishment awarded to the workman is illegal and unwarranted; that during the course of enquiry the prosecution has absolutely failed to brought on record any acceptable piece of evidence to bring home the misconduct against the workman therefore it is a case in which workman has been punished on the basis of perverse findings recorded by the enquiry officer; lastly it has been prayed the punishment awarded to the workman be set aside and he be allowed his withheld increment with arrears of pay and all other consequential benefits.

4. On the other hand the claim of the union has been contested by the opposite party by filing written statement. It has been pleaded by the opposite party that the workman with a view to pressurize the management for getting posting at his choice the workman staged dharna and demonstration and the same was illegal as demonstration was organized by the workman without information to the management. On 5-8-02 at 5.00 hours workman along with the employees of erstwhile Banaras State Bank Limited and employees of a few other banks staged demonstration before the Regional Office Agra and thereafter some time shouting slogans forcibly entered inside the Regional Office where workman along with co employees of other banks misbehaved with Sri K.C. Hans Acting Senior manager, HRM. at the instigation of the workman and not only it but they also manhandled with the officer and due to the above opposite party came into disciplinary action against the workman. Rules of enquiry and principles of natural justice were fully followed by the opposite party including the disciplinary authority, enquiry officer and appellate authority in the award of punishment upon the workman. It is the further case of the opposite party bank that workman during the enquiry was afforded all reasonable and possible opportunities for his defence. The enquiry findings recorded by the enquiry officer in the case of the workman is a fact finding based on proper appraisal of material and evidence available on the record of inquiry therefore I need not be considered by this tribunal. There is no denial of rules governing the disciplinary action or principle of natural justice by the opposite party bank. There is no perversity in the findings recorded by the bank and thus the action of the management is perfect, legal and justified. Workman is, therefore, not entitled for any relief as claimed by him.

5. After exchange of pleadings between the parties, the contesting parties adduced oral as well as documentary evidence in support of their respective claims.

6. I have heard the arguments of the contesting parties at length and have also carefully examined the evidence of the parties adduced during the course of disciplinary action.

7. At the first place it will be seen if the enquiry conducted against the delinquent employee was in accordance with rules governing the service conditions and rules of natural justice have been followed or not and that whether or not the workman was given full opportunity of his defence. A careful examination of the procedure adopted by the enquiry officer would go to show that the enquiry officer has adopted a very rational approach in conducting the enquiry and also that all the rules of natural justice have been complied with by the enquiry officer. It is also clear that the workman was given sufficient opportunity to cross examine management witnesses and also that he was given ample opportunity for his defence. Therefore, it is concluded that departmental enquiry against the workman was absolutely fair and proper.

8. Next it will be seen if the management has been above to prove the charges against the delinquent employee

or not and that whether or not the enquiry report is perverse. The prosecution side in support of the charges examined S/Sri V.M. Gupta, M.W. 1, Sri A. K. Saxena, and Sri K. C. Hans M.W.3.

9. M.W1 in his examination in chief has admitted that the delinquent employee was also one of the members staging dharna. He has also stated that he heard some noise of altercation which was not clear. On a specific question put by the defence representative as to whether he heard the delinquent employee saying something to others, the witness expressed his ignorance on this point.

10. M.W.2, too in his cross-examination has expressed his ignorance on the point as to whether he saw the delinquent employee saying something with someone. He goes on to state that due to mob he could not see who were raising slogans. He further clarified that due to mob he could not see the delinquent employee raising slogans.

11. M.W.3 Sri K. C. Hans is the star witness in the case but he too could not have been able to say anything in support of the allegations leveled against the workman concern.

12. Therefore, from a close appreciation of the above evidence of the management witnesses it is quite clear that all of them have become hostile and have not supported the allegations of the charges. If it is so I fail to understand that under these circumstances how the enquiry officer has held charges as proved against the workman and how the disciplinary authority has accepted the findings of the enquiry officer in the present case which totally appears to be a perverse finding and shows non application of proper mind by the enquiry officer, therefore, the same cannot form basis of awarding any kind of punishment on the workman. It is also clear that the poor workman has been awarded punishment virtually on the basis of no evidence by the disciplinary authority. If it is so the punishment inflicted upon the workman on the basis of perverse finding or finding on the basis of no evidence, cannot be sustained in the eye of law and is liable to be set aside as the same is wholly illegal and against rules governing service condition as well as against rules of natural justice.

13. Accordingly it is held that the action of the management of Bank of Baroda Agra in imposing the punishment on Mr. Chetan Dass Karira workman vide order dated 02-05-03 is neither legal nor justified as such the order dated 02-05-03 is set aside and the workman is held entitled for release of one increment withheld illegally by the bank.

14. Reference is answered in favour of the workman and against the opposite party bank:

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 23 जून, 2008

का. आ. 1887.—ऑटोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बडौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑटोगिक विवाद में केन्द्रीय सरकार औटोगिक

अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 53/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/75/1996-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd June, 2008

S. O. 1887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/1997) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2 New Delhi, as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 23-6-2008.

[F. No. L-12012/75/1996-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II NEW DELHI

PRESIDING OFFICER: R.N.RAI I.D.No.53/1997

IN THE MATTER OF:-

Shri Harbans Lal S/o. Shri Jyoti Ram,
C/o Shri Rajaishwar P. Goyle,
117- Chander Nagar,
Dehradun - 248001.

VERSUS

The Regional Manager,
Bank of Baroda, Regional Office,
Shahjahanpur Region,
Govindganj, Shahjahanpur - 242001.

AWARD

The Ministry of Labour by its letter No.L-12012/75/96-IR(B-2) dated 06-05-1997 has referred the following point for adjudication.

The point runs as hereunder:-

“Whether the action of the management of Bank of Baroda in terminating the services of Sh. Harbans Lal w.e.f. 05-01-91 in violation of para 522 & 524 of Shastri Award and not providing him preferences for re-employment is legal justified? If not, what relief the said workman is entitled and from what date”.

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman was appointed as Peon at BO: Charkhola under the management on the permanently clear sanctioned regular post lying vacant at the relevant time on and w.e.f. 22-01-90 F.N., but, exploitatively he was kept on Daily Wages in utter disregard and absolute violation/contravention of the mandatory provisions of Sastry Award, Desai Award and the B.P. Settlement that governs the service conditions of Bank Employees. The Bank management had not issued

any letter of appointment to the workman mentioning therein the nature of his employment, in that, the management has contravened the mandatory provisions/directions in para 495 of Sastry Award.

That the workman was not allowed to work continuously and was given artificial intermittent breaks from time to time by him, fancy and caprice of the management, through work was always there in existence and the workman had been offering his services; but the management had indulged into 'gross unfair labour practice' and employed other new person/persons during the period of break only with malafide intentions and of continuous service lawfully eligible to him, thus to circumvent the lawful mandatory provisions of the Awards and Bipartite Settlements that govern the service conditions of Bank Employees.

That on completion of approximately about one year's continuous service, the workman humbly requested the Branch Manager BO : Charkhola just in the beginning of January, 1991 that he (workman) has completed almost one year's continuous service in the Branch, therefore his services may be confirmed as a regular Peon of the Bank in terms of the mandatory provisions of law and service conditions of Bank Employees in vogue.

That soon after the management, instead of considering workman's request sympathetically and/or at least informing him (workman) that his request could not be acceded to and/or considered at this stage and/or letting him continue on the same post on the same terms and conditions, terminated workman's services on 05-01-1991 A. N. abruptly without any notice, without any wages in lieu of notice, without affording any opportunity to the workman, without any compensation and so much so without issuing any letter of termination assigning therein reasons therefore; but by oral device telling him that his services were no more required and that he should not report for duty from tomorrow i.e. 6th, January, 1991.

That the workman was paid wages only for 177 days though he had lawfully rendered 223 days' service including all weekly holidays, Gazetted and Notional holidays for which he was not paid wages though he was legitimately entitled to it. In terms of Section 25-B the workman is entitled to computation of continuation service to 348 days during which span the workman remained in employment of the Bank management.

That in the month of August, 1991 an advertisement appeared in Newspapers on behalf of the management of Bank of Baroda, thereby inviting applications from such ex-temporary employees of the bank who had rendered services as sub-staff for 90 or more days during one year, and in compliance thereof the workman submitted his application in September, 1991 to the Personnel Department of the Bank management at its Head Office at Mandvi, Baroda on the ground that as per records of the Bank he has worked and had been paid wages for 177 days vide Certificate dated 28-01-91 (photo copy is Annexure-A) but the management did not consider his application on

merits, out of grudge and out of vengeance because the workman had dared request for regularization his services, in that, the management called for interview even those candidates who had worked for much lesser days than the workman and subsequently they were given appointment in the Bank during 1993, in view of Circular No. UPWS:7:STF:CIR:84 dated 19-04-93 in that, the Bank management had grossly discriminated against the workman and deprived him of his legitimate right of his absorption in Bank's regular employment.

That the workman lost no time after knowing about such appointments and submitted a Reminder dated 15-07-93 (photo copy is Annexure-B) but with no response till date, in that, the espousal of the present Disputes Act, 1947.

The Management has filed written statement. In the written statement it has been stated that the problem of providing regular employment to these daily rated workers who had worked as peons in public sector banks between 1-1-82 and 31-12-89 but could not be employed on regular basis due to restrictions imposed by the government on further recruitment of people against substantive posts or vacancies in public sector banks, had been engaging the attention of the government for quite sometime past. Thus it was with a view to deal with that problem, and to ameliorate the hardships of those unemployed persons that the Government of India, after consideration of all relevant facts and in consultation with the Ministry of Labour, worked out a scheme to deal with that problem. The said scheme as contained in what is called as the "Approach paper" along with necessary guidelines to give effect to the scheme was circulated to all public sector banks, including the bank herein.

It is also denied that there was any appointment as alleged rather it was just a temporary requirement for a specific period of the branch hence the claimant was taken as daily wager purely on adhoc basis by the branch concerned. It is specifically denied that there are any violations or contravention of any award or Bipartite Settlement or as alleged. In any case considering the complete facts of the case it is quite clear that the para 495 of the "Sastry Award" is not applicable at all. Considering the adhoc nature no letter was required.

It is specifically denied that there was any possibility of any continuous work. In fact the breaks were not artificial rather it was due to the daily requirements of the concerned branch hence on any day whenever branch required and took work from the claimant it paid for the day. The breaks as have been projected are not due to any malafide at all rather these are because of the intermittent requirements. It is specifically denied that other new persons were taken as alleged. It is specifically denied that there is any question of unfair labour practice or the provisions of any award or settlement were circumvented, as alleged. It is specifically denied that there were any artificial breaks as alleged. It is clear from the facts of the case that the claimant was paid for the days he has worked. It is specifically denied that

there was any break after every 8 to 15 days as alleged. A bare look at the facts of the case would reveal that the claimant has not been paid for more than 6 days at a stretch in other words he had been paid for all the days he had worked. It is once again denied that there is any question of circumventing any provisions as alleged.

It is specifically denied that the claimant was entitled of payment of wages on the specific days when he had not worked inclusive of weekly / gazetted/ national holidays, as alleged.

It is denied that there is any completion of one years service leave alone continuous. Even as per the records which has now been sought by the claimant clearly reflects that he was paid wages for 176 days and as such by any stretch of imagination it cannot be held that the workman worked for one year or so. It is specifically denied that any assurance for confirmation was given or the same could ever get any support from any mandatory provisions of law or service conditions as alleged.

It is specifically denied that any of the request of the applicant were not considered as alleged. It is also denied that there was any question of abruptly or giving any notice or compensation, as alleged. It is specifically denied that any letter of termination could ever be required.

It is specifically denied that the applicant has rendered 223 days' service. It is specifically denied that anything was payable for holidays, etc. when the applicant had not worked. It is a fact that the applicant had already been paid the wages for the days he is entitled as per the scales/rates prescribed.

The application of the applicant was received, however, the applicant did not come up to the mark hence he could not be appointed. It is specifically denied that the number of days worked was the only criteria and in any case the allegation is vague hence cannot be considered at all. It is specifically denied that there is any discrimination or the applicant has any legitimate right for absorption as alleged. It is a fact that the eligibility of a candidate has to be considered only on the date of his first engagement. As such the advertisement was inserted in the newspaper for the persons who had worked for the period 01-01-82 to 31-12-90. As per the advertisement, it was clear that the candidate who applied for the post should have passed seventh standard and had not studied beyond Eight Standard. There had been other condition. As per the records of the opposite party, the fact is quite clear that the claimant had never applied nor his name was ever included in the list of empaneled candidates prepared after processing the applications received in response to the said advertisement. It is also a fact that the claimant had never applied in response to the opposite party's advertisement.

The workman applicant has filed rejoinder, In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written

statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

From perusal of the records it becomes quite obvious that in the instant case working of 240 days is not necessary in view of the approach paper.

It is admitted to the management that the workman has worked for 170 days.

It has been mentioned in the order of M/o. Defence, Department of Economic Affairs, Banking Division dated August, 1990 as under:—

“Only those temporary employees who had put in minimum temporary service of 90 days or more days after the cut off date will be considered under the scheme. In view of this circular of the Government the case of the workman is to be considered.

It is admitted to the management that the workman has worked for 176 days so, the workman is entitled to empanelment in the list of casual labourers.

The management has filed Ex. MWI/2. This paper is not admitted by the workman and it is allegedly the marksheets of the workman but this photocopy document is not legible so, it is not admissible in evidence.

The case of the management is that the workman was 9th pass so, his case was not considered.

From perusal of the written brief it transpires that the eligibility qualification is 7th pass and it has been stated that the workman had studied up to 8th standard.

It is admitted to the management that the workman is a SC candidate.

It has been held in (1985) Supp. II SCR as under:—

It has disturbed us to find that the appellant was denied job because he had become better qualified. Perhaps the RBI and its officers are not aware of the grave unemployment problem facing the youth of this country and also not aware of the fact that graduates, both boys and girls sweep our roads and post graduates in hundreds, if not thousands, apply for the posts of peons. It has been our sad experience to find employers trying to stifle the efforts of employees in their legitimate claims seeking benefits under the Industrial Law by tiring them out in adjudication proceedings raising technical and hyper technical pleas.

The Hon'ble Apex Court has held that jobs should not be denied if a workman is better qualified. It has been also held in this case that the RBI is not aware of the fact that Graduates both Boys and Girls sweep roads and Post Graduates in hundreds if not in thousand apply for the post of Peons.

This observation was made by the Hon'ble Apex Court in the year 1985. That fixing of the eligibility qualification as 7th standard, 8th standard and 9th standard is not justified at present.

There are two categories of employees Class- D & Class- C. Matriculates are eligible for Class - C employment as such, all non-matriculates should be eligible for Class- D employees. The prescription of the qualification for Peon i.e. 7th, 8th and 9th standard by different banks is not justified.

My attention was drawn to the Circular dated 20-07-1981, Staff Recruitment, temporary messengers' panel. It has been mentioned in this circular that minimum education should be 9th standard pass. It has been also mentioned that the maximum age limit is relaxable to SSLC fail in respect of SC & ST candidates. There is also mention that there should be relaxation in education and age for SCT & SC candidates.

In the instant case the workman is a SC candidate. Even if he is 9th standard pass though, there is no proof of the same on the record, no relaxation of age and educational qualification has been given to him in view of the circular issued to all the Branches/Offices.

It cannot be said that one will stop studying after 7th standard or 8th standard in order to obtain a job in the office of the bank of Class-D employees. 8th, 9th pass and 10th fail candidates cannot apply for the post of Class-C. In case educational qualification is fixed as 5th standard or 7th standard gross injustice will be done to those candidates who are non-matric. They would not be eligible to appear in Class -C posts being non-matric and they would not be eligible for employment in Class-D posts. For considering the case of SC / ST candidates there must be relaxation in age as well as educational qualification.

It appears that the management has not included the name of this candidate in the panel list as allegedly he is 9th pass. No relaxation to the SC / ST candidates have been given whereas it is settled law that some relaxation is to be given to SC / ST candidates in age as well as educational qualification.

In the facts and circumstances of the case the workman is entitled to be considered for empanelment in the list prepared by the management of temporary employees in view of approach paper.

The reference is replied thus:—

The action of the management of Bank of Baroda in terminating the services of Sh. Harbanslal w.e.f. 05-01-91 in violation of para 522 & 524 of Shastri Award is not justified. The management has not complied with the express provision of P-522 and 524 of Sastri Award as the workman has worked for more than six months. The management should include the name of this workman in the list of temporary employees and employ him within two months from the date of the publication of the award.

The award is given accordingly.

Date : 9-06-2008

R. N. RAJ, Presiding Officer

The Executive Engineer,
C P W D, Central Division-II,
Kendriya Sadan, Sector-9,
Chandigarh-160001
... Respondent

APPEARANCES

For the workman : Workman in person
For the management : Sh A. K. Gupta

AWARD

Passed on 13-6-2008

Central Government vide notification No L-42012/42/2006-IR (D-U) dated 11th October, 2006 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of CPWD, Chandigarh in terminating the services of Shri Ram Kishan w.e.f. 1-5-2005 is legal and justified? If not, to what relief the workman is entitled to and from which date?”

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice equity and fair play.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 13-6-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference. The management also agreed to provide the work to the workman with the contractor as per the policy of the Government. The prescribed authority of the management and the workman during the hearing of this case in pre Lok Adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose of this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be Informed. File be consigned to record.

Announced G. K. SHARMA, Presiding Officer
13-6-2008

नई दिल्ली, 24th जून, 2008

का. आ. 1890.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय नं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 59/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/43/2006-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 59/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.P.W.D. and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-42012/43/2006-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No I D 59/2006

Sh Adesh S/o Shri Rattan Lal,
R/o Damdama Road, Gali No. 3,
PO GRPF, Tehsil Kalka,
Panchkula (Haryana) ... Applicant

Versus

The Executive Engineer
C P W D Central Division-II,
Kendriya Sadan, Sector-9,
Chandigarh-160001 ... Respondent

APPEARANCES

For the workman : Workman in person
For the management : Sh. A. K. Gupta

AWARD

Passed on 13-6-2008

The Central Government vide notification No. L-42012/43/2006-IR (D-U) dated 11th October, 2006 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of CPWD Chandigarh in terminating the services of Shri Adesh w.e.f. 1-4-2005 is legal and justified? If not, to what relief the workman is entitled to and from which date?”

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice equity and fair play.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 13-6-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman

agreed to withdraw his reference. The management also agreed to provide the work to the workman with the contractor as per the policy of the government. The prescribed authority of the management and the workman during the hearing of this case in pre Lok Adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose of this reference in Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat Central Government be informed. File be consigned to record.

Announced G.K. SHARMA, Presiding Officer
13-6-2008

नई दिल्ली, 24 जून, 2008

का.आ. 1891.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डेल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 58/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/44/2006-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award, (Ref. No. 58/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of C.P.W.D. and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-42012/44/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No I D 58/2006

Shri Rattan Lal S/o Sh. Hira Lal
R/o Damdama Road, Gali No. 3,
PO GRPF, Tehsil Kalka,
Panchkula (Haryana) Applicant

Versus

The Executive Engineer C P W D,
Central Division-II,
Kendriya Sadan, Sector-9,
Chandigarh-160001 Respondent

APPEARANCES

For the workmen : Workman in person
For the management : Sh. A. K. Gupta

AWARD

Passed on 13-6-2008

The Central Government vide notification No. L-42012/44/2006-IR (DU) dated 11th October, 2006 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of CPWD, Chandigarh in terminating the services of Shri Rattan Lal w.e.f. 1-4-2005 is legal and justified? If not to what relief the workman is entitled to and from which date?”

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08 this case was fixed in pre Lok Adalat meeting on 13-6-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference. The management also agreed to provide the work to the workman with the contractor as per the policy of the Government. The prescribed authority of the management and the workman during the hearing of this case in pre Lok Adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central govt as settled in Lok Adalat Central Government be informed. File be consigned to record.

Announced G. K. Sharma, Presiding Officer
13-6-08

नई दिल्ली, 24 जून, 2008

का.आ. 1892.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन इन्स्टीट्यूट ऑफ पुलिस रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 19/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/95/2002-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1892.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 19/2003) of the Central Government Industrial Tribunal-cum-Labour Court Kanpur as shown in the Annexure, in the industrial dispute between the management of Indian Institute of Pulse Research and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-42012/95/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA,
PRESIDING OFFICER,

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHRAM
BHAWAN, A. T. I. CAMPUS, UDYOG NAGAR,
KANPUR

Industrial Dispute No.19 of 2003

In the matter of dispute between

Shri Baboo Singh S/o Sh. Ganga Charan Singh
C/o Sh. Rajendra Prasad Shukla
115/193 A. 2 Maswanpur Rawatpur, Kanpur

And

The Director
Indian Institute of Pulse Research
G.T. Road, Kalyanpur, Kanpur.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/95/2002-IR (CM-II), dated 30-10-2002 has referred the following dispute for adjudication to this tribunal :

“Whether the action of the management of Indian Institute of Pulse Research, Kalyanpur, Kanpur, in terminating the employment of Sri Baboo Singh S/o Sri Ganga Charan Singh working as contract worker allegedly under direct supervision of the management w.e.f. 25-5-2001 legal and justified? If not to what relief the worker is entitled to?”

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party on. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues, the opposite party attached the work man with a licenced contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the managements. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that he rendered continuous service of 240 days of till he was removed from the service of the opposite party w.e.f. 25-5-2001 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural

and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that the exist any valid industrial dispute. Workman is not a workman as defined under I. D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment dehoring recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournment and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received from the appropriate Government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as

no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman, therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is concluded that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the end it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have ever been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 24 जून, 2008

का. आ. 1893.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान एरोनॉटिक्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 72/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/211/2005-आई आर (सीएम- II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 72/2006 of the, Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Hindustan Aeronautics Limited, and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-42012/211/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI R.G. SHUKLA,
PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHRAM
BHAWAN, AT I CAMPUS,
UDYOG NAGAR, KANPUR
Industrial Dispute No. 72 of 2006

In the matter of dispute between :—

Sri Dev Prakash and 37 others,
C/o Sri Jiya Lal Yadav, Son of Sri Ram Pyare Yadav,
Village Asrey Tiwaripurwa (Basayakpur)
Post Darkha Amethi.
Sultanpur 227405

And

The General Manager,
Hindustan Aeronautics Limited,
Korwa, Ajmeri.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-42012/211/2005-IR (CM-II) dated 11-10-06 has referred the following dispute for adjudication to this tribunal :

“Whether the demand of Sri Dev Prakash and 37 others as per list enclosed for regularization of their services by the management of Hindustan Aeronautics Limited is legal and justified? If so, to what relief these workmen are entitled?”

2. In the present case after receipt of the reference order registered notices to the contesting parties were issued by the tribunal directing them to file their claim and counter claims. Both contesting parties put their appearance in the proceedings of the case. The union also moved an adjournment application on 28-12-06 which was allowed. Thereafter repeated dates of hearing were fixed by the tribunal in the case till none appeared from the side of the union nor claim was filed in the case.

3. Therefore, from the above, it is quite clear that neither the workmen nor the union is interested in prosecuting the case before the tribunal, the resultant effect would be that the union is held not entitled for any relief for want of pleading and proof.

4. Accordingly reference is decided against the union and in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 24 जून, 2008

का. आ. 1894.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. आर. बी. एम.-पटी(जेवी) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कालकाता के पंचाट (संदर्भ संख्या 35/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/215/2004-आई आर (सीएम-III)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1894—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 35/2005 of the Tribunal-cum-Labour-Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of M/s. RBM-Pati (JV), and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-42012/215/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL AT KOLKATA**

Reference No. 35 of 2005

Parties : Employers in relation to the management of
M/s. RBM-Pati (JV)

AND

Their workmen.

Present : Mr. Justice C.P. Mishra, Presiding Officer

Appearance :

On behalf of the Management : Mr. S. Bandopadhyay, Advocate

On behalf of the Workmen : Mr. Abid Ali Mollah, the concerned workman in person.

Dated: 2nd June, 2008. Industry: Road Transport & Highways

AWARD

By Order No.L-42012/215/2004 IR (CM-II), dated 04-08-2005 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. RBM-Pati(JV) contractor of National Highways Authority of India in terminating the services of Sh. Abid Ali Mollah, Helper at 35 KM Camp w. e. f. 10th July, 2004 is legal and justified? If not, to what relief he is entitled?”

2. When the case is taken up today before the Lok Adalat on consent of the parties, it is submitted by them that they have amicably settled the dispute under the present reference out of court. They also file a memorandum of settlement arrived at in this regard. They accordingly pray that an Award may be passed in terms of the memorandum of settlement.

3. I have considered the submissions of the parties and also perused the aforesaid memorandum of settlement. The terms of the settlement appear to be fair, reasonable and in the interest of the parties. I accordingly pass an Award in terms of the said memorandum of settlement, which will form part of this Award as Annexure-A.

The reference is disposed of accordingly.

Dated, Kolkata.

2nd June, 2008

C. P. MISHRA, Presiding Officer

ANNEXURE-A

MEMORANDUM OF SETTLEMENT

1. Name and address : (a) M/s. RBM PATI JV
Vill. & P.O. - Tentulkuli
P.S.-Domjur, Howrah-711409.
(b) Their workman Abid Ali
Mollah, Village: Palorah,
P.O. Mahisrekha,
P.S. -Uluberia,
Howrah - 711 303.

2. Name of the person : Mr. Rajeev Ranjan Mishra
representing the employer

3. Name of the persons : Abid Ali Mollah
representing the employee

4. Short recital of the case:

That one industrial dispute referred before this Learned Central Government Industrial Tribunal being Case No. 35 of 2005 for adjudication with regard to the termination of service of Abid Ali Mollah.

However, the parties started negotiation at bipartite level and after protracted negotiation the dispute settled amicably by and between the parties on the following terms and conditions :

5. Terms of Settlement:

(a) It is agreed by and between the parties that the workman accepted the termination with effect from 06th June, 2004.

(b) It is also agreed by and between the parties that the Company will pay a total sum of Rs. 20,000.00 (Rupees Twenty Thousand only) out of which a sum of Rs. 10,000 (Rupees Ten Thousand) only will be paid by Banker's Cheque, drawn on The Hongkong and Shanghai Banking Corporation Limited, Kolkata dated 17th April, 2008 and a sum of Rs. 10,000 (Rupees Ten Thousand only) by cash, both in favour of Abid Ali Mollah, as full and final amicable settlement of the above case and the Company is paying the above said amount without admission of any liability and the workman agrees that there shall be no claim arising out of his employment in the Company nor in future.

(c) It is also agreed by and between the parties that the above said amount will be paid to the workman by way of Banker's Cheque and cash.

(d) It is agreed by and between the Parties that the workman shall withdraw the case, being Ref. Case No. 35 of 2005.

(e) It is further agreed that by the aforesaid terms of settlement all matters concerning the employment by the Company of the workman is fully and finally settled with no other dispute nor claim pending nor in the future by any party.

For the Company
Authorised Signature

For the Workman
Abid Ali Mollah

Witnesses :

Workman concerned

1) S. Bandopadhyay, Advocate

2)

नई दिल्ली, 24 जून, 2008

क्रा. आ. 1895.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकारण, नई दिल्ली नं. 2 के पंचाट (संदर्भ संख्या 173/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[सं. एल-42012/190/2003-आई आर (सोएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 173/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the industrial dispute between the management of C.P.W.D. and their workmen, received by the Central Government on 24-6-2008.

[No. L-42012/190/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R. N. RAI

I. D. No. 173/2004

IN THE MATTER OF:

Sh. Manoj Kumar Singh,
C/o. All India CPWD (MRM) Karamchari Sangathan,
4823, Balbir Nagar Extension,
Gali No.13, Shahdara,
Delhi- 110032.

VERSUS

1. The Director General of Works, CPWD, Niman Bhawan, New Delhi.
2. *The Executive Engineer (Elect. Div-II), CPWD IARI, Pusa, New Delhi- 110011.
3. M/s. S. S. Electricals, A1283, Nand Nagri, New Delhi- 110093.

AWARD

The Ministry of Labour by its letter No. L-42012/190/2003-IR (CM-II) dated 03-11-2004 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the demand of All India CPWD (MRM) Karamchari Sangathan for reinstatement and regularization of Sh. Manoj Kumar Singh, Pump Operator in the organization of CPWD is legal and justified? If yes, to what relief the workman is entitled and from what date?”

The case of the workman is that he was working as Operator on contract basis w.e.f. 03-12-2000 at the premises

of the above said management of IARI, Pusa, New Delhi. His services were terminated on 16-03-2003 in violation of Section 25F of the I.D. Act, 1947. The workman has been continuously employed with the management. The contractors changed but the workman was retained. No seniority list has been displayed by the management. The work performed by the workman is of permanent in nature. It is depicted on paper that the workman is an employee of the contractor. There is employer - employee relationship between the management and the workman.

The case of the management is that the workman was engaged by the contractors. He worked under the control and supervision of the contractors. Payment to the workman was made by the contractor. There was no employer and employee relationship between the management and the workman. The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he worked under the control and supervision of the management. The contract was fake. The management became the principal employer.

It was submitted from the side of the management that the workman was appointed by the contractor and payment to him was made by the contractor. There is no employer and employee relationship between the management and workman. The management has filed contract agreement for operation of Pump.

It appears that the workman was engaged by contractor for operating the Pump. As per the terms of the contract the workman will maintain the day log book.

The workman has admitted in his cross examination that he was appointed by the contractor. He has also admitted that no paper regarding his engagement has been filed by him on the record.

It appears from perusal of the contract agreement that the operation of the Pump was given to the contractor. He deputed the concerned workman for the operation of the Pump.

From perusal of the record it becomes quite obvious that the workman was engaged by the contractor. Payment to him was made by the contractor and he worked under the control and guidance of the contractor, so employer and employee relationship has not been proved. Section 25F of the I.D. Act, 1947 is attracted only when a workman actually works under the control and supervision of the employer or he is engaged by the employer.

The Hon'ble Supreme Court has also emphasized that the Courts/Tribunals in their sympathy for the handful ad hoc/ casual employees before it cannot ignore the claims for equal opportunity for the teeming millions of the country who are also seeking employment. In such case, the Courts/ Tribunals should adhere to the Constitutional norms and

should not water down constitutional requirement in any way.

In Pollock Law of Torts a servant and an independent contractor has been defined as under:-

The distinction between a servant and an independent contractor has been the subject matter of a large volume of case-law from which the text-book writers on torts have attempted to lay down some general tests. For example, in Pollock's Law of Torts, (Pages 62 & 63 of Pollock on Torts, 15th Edn.) the distinction has thus been brought out:

- "A master is one who not only prescribes to the workman the end of his work, but directs or at any moment may direct the means also, or, as it has been put, retains the power of controlling the work, a servant is a person subject to the command of his master as to the manner in which he shall do his work. An independent contractor is one who undertakes to produce a given result but so that in the actual execution of the work is not under the order or control of the person for whom he does it, and may use his own discretion in things not specified beforehand....."

In Salmon's Treatise on the Law of Torts the distinction between a servant and independent contractor has been indicated as under:-

"What then, is the test of this distinction between a servant and an independent contractor? The test is the existence of a right of control over the agent in respect of the manner in which his work is to be done. A servant is an agent who works under the supervision and direction of his employer; an independent contractor is one who is his own master. A servant is a person engaged to obey his employer's orders from time to time; an independent contractor is a person engaged to do certain work, but to exercise his own discretion as to the mode and time of doing it—he is bound by his contract, but not by his employer's orders."

The test regarding independent contractor and intermediaries have been laid down in Hussainabhai, Calicut V. The Alath Factory Thezhilali Union Kozhikode [AIR 1978 SC 1410 (3 Judges)] "the true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers subsistence, skill, and continued employment."

My attention was drawn to the Constitution Bench Judgment in Scale (2006) 4 Scale. It has been held in this case as under:-

"A. Public employment in a sovereign socialist secular democratic republic has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark and the Constitution has provided also for affirmative action to ensure that unequal are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme.

B. A sovereign government, considering the economic situation in the country and the work to be got done, is not precluded from making temporary appointments or engaging workers on daily wages. Going by a law newly enacted, the National Rural Employment Guarantee Act, 2005, the object is to give employment to at least one member of a family for hundred days in a year, on paying wages as fixed under that Act. But, a regular process of recruitment or appointment has to be resorted to, when regular vacancies in posts, at a particular point of time, are to be filled up and the filling up of those vacancies cannot be done in a haphazard manner or based on patronage or other considerations. Regular appointment must be the rule."

My attention was drawn to another Constitution Bench Judgment - Steel Authority of India. It has been held as under:-

"Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master and servant relationship between the principal employer and the workmen. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplies workmen for any work of the establishment, a question may arise whether the contract is a mere camouflage as in Hussainabhai Calicut's case (supra) and in Indian Petrochemicals Corporation's case (supra) etc; if the answer is in the affirmative, the workmen will be in fact an employee of the principal employer, but if the answer is in the negative, the workmen will be a contract labourer."

The workman has been engaged through contractors. The burden of proving that he worked under the control and supervision of the management is on the workman. He has discharged initial burden. He has not filed any cogent documentary evidence to establish that the work was assigned to him by the management and he worked under the control and guidance of the management. He has filed affidavit regarding the fact no doubt but his affidavit is self serving.

The management has denied that he worked under the control and guidance of the management. The workman in the circumstances has to prove by cogent documentary evidence that the management was his master and the management decided what is to be done and how it is to be done.

The workman has been engaged by the contractors and the contractors have taken duties from him.

In view of the Constitution Bench Judgment referred to above a contractual workman cannot be regularized. There is no master and servant relationship in view of the criteria laid down in the judgments referred to above.

In the instant case the workman has not been engaged by the employer so section 25 F of the ID Act, 1947 is not attracted. The workman is not entitled to retrenchment compensation or pay in lieu of notice.

The reference is replied thus:-

The demand of All India CPWD (MRM) Karamchari Sangathan for reinstatement and regularization of

Sh. Manoj Kumar Singh, Pump Operator in the organization of CPWD is neither legal nor justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 11-06-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 24 जून, 2008

का. आ. 1896.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली नं. 2 के पंचाट (संदर्भ संख्या 58/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/115/2005-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 58/2006 of the Central Government Industrial Tribunal-cum-Labour Court No. 2 New Delhi as shown in the Annexure, in the industrial dispute between the management of C.P.W.D. and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-42012/115/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I.D. No. 58/2006

PRESIDING OFFICER: R. N. RAI

IN THE MATTER OF:

Sh. Jai Singh (Khalasi),
C/o. All India CPWD (MRM) Karamchari Sangathan,
4823, Gali No 13,
Balbir Nagar Extension,
Shadhpura, Delhi - 32.

—Claimant

Versus

The Executive Engineer,
Electrical Division - 3,
CPWD, IP Bhawan, New Delhi. —Respondent

AWARD

The Ministry of Labour by its letter No. L-42012/115/2005 IR(CM-II) Central Government dt. 03-07-2006 has referred the following point for adjudication:

The point runs as hereunder :—

“Whether the action of the management of CPWD is not regularizing the services of Sh. Jai Singh as Khalasi w.e.f. 14-04-1983 i.e. from the date of his initial appointment is legal and justified? If not, to what relief the workman is entitled.”

The case of the workman is that he was engaged as Khalasi on muster roll basis w.e.f. 14-04-1983. His services were regularized as Khalasi in the proper Pay Scale along with all consequential benefits w.e.f. 28-01-1993. The son of the workman filed petition before the Hon'ble Apex Court titled as Surinder Singh and others Vs. Engineer-in-Chief, CPWD over the matter of regularization of the services and payment of equal pay for equal work at par with regular employees working under the management of CPWD. The Hon'ble Apex Court in the judgment dated 17-01-1986 has observed that all the daily rated employees should get the same salary and allowances as are paid to the regular and permanent employees w.e.f. the date when they were respectively employed.

That subsequent to the said judgment, the management of CPWD vide letter dated 25-08-1988 issued directions to regularize the services of such workmen who have rendered six months of continuous service by 07-12-1988. This Tribunal by award dated 01-02-2004 has ordered that the workman should be regularized from the initial date of engagement and they should be made payment of equal pay of a permanent employee from the date of their initial engagement.

The case of the management is that the services of this workman was regularized on 28-01-1993 with all consequential benefits. The workman was not a party to Surinder Singh's case, so he is not entitled to get the benefit of Surinder Singh's case. The posts were created in September, 1992, therefore, all the workers were regularized from prospective date and not from their initial engagement.

The Hon'ble Apex Court in the above case has not held anywhere that the workman should be regularized from their initial date of engagement.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he should be regularized from the initial date of engagement and the principles of equal pay for equal work should be followed in view of Surinder Singh's case.

It was submitted from the side of the management that the posts were created prospectively in the year 1992. The workman was not working against any substantive post, so there is no question of regularization w.e.f. the initial date of engagement as no posts were sanctioned at that time.

It becomes quite obvious from perusal of the record that the services of the workman has been regularized from 1993 and he has received all the benefits. He has raised this dispute in 2006, after a delay of almost 12 years from the date of his regularization. He has lost, not only the right but remedy also in view of extra-ordinary delay.

My attention was drawn to Nadungadi Bank Limited Vs. K.P. Madhavankutty as under:

“Law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the ID Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under Section 10 of the ID Act. As to when a dispute can be said to be stale would depend on the facts and circumstance of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made”

It has been held by the Hon'ble Apex Court that no industrial dispute existed or could be even said to have been apprehended with Central Government exercised powers in this case after a lapse of about seven years.

In the instant case the workman has been regularized in the year 1993, whereas he has raised this dispute in the year 2006 after a delay of twelve years. Thus, the reference itself sent by the Government in view of the law laid down by the Hon'ble Apex Court is barred by delay.

It has been held in 1993 AIR SCW 2224 that the delay would certainly be fatal if it has resulted in material evidence relevant to the contention is lost and not rendered available. Lapse of time results in losing the remedy and right as well.

It has been also held in this case that case filed after delay of 7-9 years should not be entertained.

It has been held in MANU/SC/0140/1959 that merely because the industrial dispute does not provide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation for reference of disputes to an industrial tribunal even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale.

In the instant case the workman has raised the dispute after long delay of twelve years. He has not given satisfactory explanation for this extra-ordinary delay. There is no explanation worth the name in the claim statement as to what prevented the workman to raise the dispute earlier whereas he has been regularized in the year 1993. The workmen kept silent from 1993 and raised this matter in 2006.

It has been held in AIR 1993 SC 2277 that delay itself dis-entitles a workman of remedy and right.

There is delay of twelve years and in the light of the law laid down by the Hon'ble Apex Court. The reference itself is not maintainable.

The judgment of Surinder Singh's case has been reversed by the recent judgment of the Hon'ble Apex Court.

My attention was drawn from the side of the management to (2003) 6 SCC 123 as under:

The principle of "equal pay for equal work" is not always easy to apply. There are inherent difficulties in comparing and evaluating the work done by different persons in different organizations, or even in the same organization. It is a concept which requires for its applicability complete and wholesale identity between a group of employees claiming identical pay scales and the other group of employees who have already earned such pay scales. The problem about equal pay cannot always be translated into a mathematical formula.

It is obvious from the judgment that the principles of equal pay for equal work cannot be applied everywhere. A daily wager holds no post. Scale of pay is attached to a definite post. This workman was not holding any definite post, so he cannot be compared with the regular and permanent staff for equal pay and allowances.

It has been further held in (2003) 1 SCC 250 as under:

“Equal pay for equal work - applicability of the principle of, held, depends not only on the nature or volume of work but also on the qualitative difference in reliability and responsibilities as well - Even in case of same functions, responsibilities do make a real and substantial difference - It is for the claimant of parity to substantiate a clear-cut basis of equivalence and a resultant hostile discrimination- In absence of requisite substantiating material, High Court erred in granting the NMR workers/daily wagers/casual workers parity in pay with the regularly employed staff merely on presumption of equality of the nature of work. However, such workers, held, entitled to payment of prescribed minimum wages.”

It has been held in this case that equal pay for equal work would depend upon not only the nature or the volume of work but also on the qualitative difference as regards reliability and responsibilities though the functions may be the same.

The workman applicant is not entitled to any relief in view of raising the dispute after a delay of long twelve years. He is not entitled to equal pay for equal work as he was not a party to the judgment of Hon'ble Apex Court in Surinder Singh's case. He is not entitled to regularization from his initial date of engagement i.e. 14-04-1983 as he was not engaged against any sanctioned post. Regularization is always ordered against sanctioned post.

The reference is replied thus:—

The action of the management of CPWD in not regularizing the services of Sh. Jai Singh as Khalasi w.e.f. 14-04-1983 i.e. from the date of his initial appointment is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

Date : 20-6-2008 R. N. Rai, Presiding Officer

नई दिल्ली, 24 जून, 2008

का. आ. 1897—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन इन्स्टीट्यूट ऑफ प्लस रिसर्च के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, कानपुर के पंचाट (संदर्भ संख्या 16/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/94/2002-आई आर (सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1897.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Indian Institute of Pulse Research, and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-42012/94/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI R. G SHUKLA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT SHRAM
BHAWAN A.T.I. CAMPUS, UDYOG NAGAR,
KANPUR.**

Industrial Dispute No. 16 of 2003

In the matter of dispute between :—

Shri Ramjeewan S/o Shri Ram Prasad,
C/o Sh. Rajendra Prasad Shukla
115/193 A, 2 Maswanpur Rawatpur, Kanpur.

And

The Director,
Indian Institute of Pulse Research,
G.T. Road, Kalyanpur, Kanpur.

AWARD

1. Central Government, MOL New Delhi, vide notification No. L-42012/94/2002-IR(CM-II) dated 5-5-2003 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of Indian Institute of Pulse Research Kalyanpur, Kanpur, in terminating the employment of Shri Ramjeewan S/o Shri Ram Prasad working as Contract worker allegedly under direct supervision of the management w.e.f. 25-5-2001 is legal and justified? If not to what relief the worker is entitled to?”

2. The case of the workman in short is that the worker has been employed to perform the work of permanent nature under the premises of the opposite party. It is also pleaded that the workman was paid wages at the end of the month by the opposite party as approved by the Central Government, at the minimum of the rate. It is also pleaded by the workman that with a view to avoid statutory dues,

the opposite party attached the workman with a licensed contractor. It has also been pleaded by the workman that he was continuing in the services from before the induction of contractor. Workman is employee of the opposite party. Workman performed the work connected with agriculture and the attendance of the workman was used to be marked by the officers of the management. The production of the opposite party was also used to be sold out to the customers. It has also been pleaded by the workman that rendered continuous service of 240 days or till he was removed from the service of the opposite party w.e.f. 25-5-2001 in gross violation of provisions of Industrial Disputes Act, 1947. Several fresh hands were inducted by the opposite party but he was not afforded any opportunity of his reemployment. Opposite party has also violated the provisions of rules of natural and social justice by not regularising him in the service. On the basis of above it has been prayed that the workman may be reinstated in the service with full back wages, consequential benefits and seniority.

3. The opposite party has filed reply wherein it has been denied by the opposite party that there exist any relationship of employer and employee between the contesting parties. The workman never remained in direct employment of the opposite party nor the workman was ever paid wages by the opposite party directly. In fact they were the employees of the contractor who used to supervise the work of the workman. It is also denied that there exist any valid industrial dispute. Workman is not a workman as defined under I.D. Act, nor the opposite party is an industry. Management has emphatically denied having engaged the workman in the employment in any capacity whatsoever nor he was ever issued any appointment letter by the opposite party. It has also been pleaded that for giving regular and permanent employment, there is prescribed recruitment rules and no authority of the opposite party is competent to make appointment de horing recruitment rules. Since the workman was never in the employment, question of terminating his services from any date does not arise. Moreover, provisions of Industrial Disputes Act are also not applicable to the workman. On the basis of above, it has been prayed that the claim of the workman be rejected being devoid of merit, baseless and misleading.

4. After exchange of pleadings between the parties, the contesting parties adduced oral as well as documentary evidence in support of their respective cases.

5. A bare perusal of the record would go to show that in the instant case repeated dates for hearing arguments were granted by the tribunal to the representative for the workman but on each occasion on one pretext or the other he sought adjournments and avoided to conclude the case. Again further date of hearing was fixed in the case and when the case was called out representative for the workman found absent and thereafter the arguments advanced by the representative for the management were heard. After the hearing was over in the case, representative for the workman appeared before the tribunal and submitted that he had sent certain representation before the Ministry seeking transfer of the case from this tribunal but a perusal of the record shows that no such application is available on the record of the case. There is also no order received

from the appropriate government in this regard. Therefore, the tribunal is not inclined to believe the contention of the representative for the workman and the same stands rejected. Having considered long duration of the pendency of the instant case, the tribunal also rejected the adjournment application.

6. Tribunal has considered the arguments advanced in the case at length and have also gone carefully through the case file. It is the own case that the workman was made the employee of the contractor and it is the contractor who used to make payment of wages. The contention of the workman to the effect that he was working much before the induction of the alleged contractor of which he is alleged to be the employee cannot be accepted by the tribunal as no documentary evidence is available on the record of the case to substantiate the claim of the workman that he was in the employment of the opposite party much before the induction of the alleged contractor.

7. The arguments of the opposite party appears to be sound that there exist no relationship of master and servant between them and the so called workman therefore, there appears no valid industrial dispute between the contesting parties. In the absence any cogent evidence in support of the claim of the workman, it is included that there never existed any relationship of master and servant between the parties and therefore, the alleged workman cannot be held to be a workman within the definition of the workman as given under the Act. If it is so rest issues becomes infructuous as raised by the alleged workman in his statement of claim and therefore, need no consideration.

8. In the and it is concluded for the foregoing that the instant case is not a valid industrial dispute as the claimant has palpably failed to establish that he ever remained in active employment of the opposite party or that he was ever issued any appointment letter, or he was ever paid his wages by the opposite party or his services have even been terminated by the opposite party. Therefore, question of breach of provisions of the Industrial Disputes Act, 1947, by the opposite party does not arise.

9. For the reasons discussed above, it is held that since instant case is not a valid industrial dispute between the parties, alleged claimant cannot be held to be entitled for any relief as claimed by him. Reference is therefore, answered accordingly against the claimant and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 24 जून, 2008

का. आ. 1898.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. 1 चण्डीगढ़ के पंचाट (संदर्भ संख्या 14/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12011/176/2005-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1898.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 24-6-2008

[F. No. L-12011/176/2005-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Case No. I. D. 14/2006

The President,
Central Bank of India Employees Union
Haryana, 129, Lal Kurti, Ambala Cantt.
(Haryana)-133001

...Applicant

Versus

The Regional Manager,
Central Bank of India,
Metro Building, 106, Railway Road,
Ambala Cantt. (Haryana)-133001

...Respondent

Appearances

For the workmen : Sh. B. S. Gill.

For the management : Sh. S. D. Mishra

AWARD

Passed on 13-6-2008

Central Govt. vide notification No. L-12011/176/2005-IR(B-II) dated 28th April, 2006 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Bank of India, Shimla to order recovery of subsistence allowance granted to Shri Naresh Kumar, Peon for the period he remained under suspension is legal and justified? If not to what relief the said workman is entitled to?”

2. The case taken up in Lok Adalat. The workman appeared alongwith his Union General Secretary Shri B.S. Gill. Prescribed authority of the management is also present the workman has withdrawn his reference vide his written application in Lok Adalat in view of the above, the present reference is disposed off as withdrawn in Lok Adalat Central Govt. be informed. File be consigned to record.

Announced G. K. SHARMA, Presiding Officer
Date 13-6-2008

नई दिल्ली, 24 जून, 2008

का. आ. 1899.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. 2, धनबाद के पंचाट (संदर्भ

संख्या 200/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/63/2001-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 200/2001) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Central Bank of India, and their workmen, received by the Central Government on 24-6-2008.

[F. No. L-12012/63/2001-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT

Shri Nagendra Kumar, Presiding Officer.

In the matter of an Industrial Dispute under Section 10 (1)(d) of the I.D. Act, 1947.

Reference No. 200 of 2001

PARTIES: Employers in relation to the management of Central Bank of Zonal Office, Muzaffarpur and their workman.

Appearances:

On behalf of the workman : Mr. B. Prasad, Authorised Representative.

On behalf of the employers : Mr. Avtar Singh, Senior Manager (Law)

State : Jharkhand Industry : Banking.
Dhanbad, the 6th June, 2008

AWARD

The Government of India, Ministry of Labour and Employment in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-12012/63/2001-IR(B-II) dated, the 9th/10th July, 2001.

SCHEDULE

“Whether the action of the management of Central Bank of India, Zonal Office, Muzaffarpur in not absorbing Shri Manoj Kumar Mahtha, Casual Worker, as permanent part-time worker is justified? If not, what relief the workman is entitled for?”

2. The case of the concerned workman in short is that Shri Manoj Kumar Mahtha was appointed orally by the management of Central Bank of India, Pusa Farm Branch to serve duties of Peon and Sweeper w.e.f. 30-5-1990. He was performing the following duties :—

(1) Opening of Bank's gate.

- (2) Cleaning the Branch premises, tables, chairs, counters, Cash Cabin.
- (3) Taking out ledgers, registers from the almirah and placing the same on the tables, counter.
- (4) Carrying token book, scroll book from Accounts Department to cash Department and vice versa.
- (5) Posting of mails/telegrams.
- (6) Stitching of vouchers whenever required.
- (7) Distribution of Bank's Dak through Peon Book.
- (8) Serving water, tea to the members of staff whenever required etc.

He was working from 9.30 A.M. to 5.30 P.M. and sometime even beyond that. He was initially paid wages @ Rs. 15 per day which was increased subsequently @ Rs. 50 per day. He was also paid wages sometimes through different names. He was not paid wages for Sunday and holidays. He represented to the management on several occasion for his permanent absorption as a Peon/Part time Sweeper but no step was taken in the matter. Thereafter he raised industrial dispute before the ALC (C), Patna which ultimately resulted reference to this Tribunal. The action of the management is not justified because the management has been extracting the work from the concerned workman for over decade. He was not paid wages at par with the persons performing similar duties which is also violating of the provision of Indian Constitution. The management has adopted unfair labour practice. The concerned workman is entitled for the relief to be absorbed as part time Sweeper on 3/4 wages of the permanent Peon in the Banks Subordinate cadre. He is also entitled for Bonus for working. His seniority has to be reckoned from the dates of his initial engagement. Any other relief or reliefs as the Tribunal deem fit and proper.

3. The management at has filed W.S.-cum-rejoinder stating therein that this is individual dispute and the same is not an Industrial Dispute. The Dispute has been raised after lapse of 7 years from the date of cause of action due to which the same is liable to be rejected. The concerned person was never appointed by the management at any time. In the rejoinder portion it has been stated that the statement made in paras-1, 2 of the W.S. of the concerned workman is the matter of record.

4. It has further been stated that in para 3 to 8, 9, 10 to 14 of the W.S. of the workman are false, baseless and the same has been denied. While denying the aforesaid statement of the concerned workman details have been given regarding the claim of the concerned workman in connection with the engagement as claimed for. About paras 10 to 14 of the W.S. of the concerned workman it has been stated that the matter relates to the sequence of events raising industrial dispute. In para 17 it has again been stated that the concerned person was engaged by the management on casual nature of job on day-to-day basis when he was engaged only for the day and terminated at the end of the day. It has been further stated that the action of the management as mentioned in the terms of reference is justified and the concerned person is not entitled to get any relief.

5. A rejoinder on behalf of the concerned workman has also been filed in which para 2, 3 it has been stated as to how this reference is maintainable. In para 5 it has been stated that the concerned workman was appointed orally by the Pusa Farm Branch of Central Bank of India. In rest paras further details regarding the claim as mentioned in the W.S. has been mentioned and it has been denied that he was not discharging his duties of casual worker rather he was performing his duties regularly. It has also been stated that the concerned workman is entitled for absorption as part time worker. Prayer has been made to pass a suitable award in favour of the concerned workman.

6. Points To Be Decided

“Whether the action of the management of Central Bank of India, Zonal Office, Muzaffarpur, in not absorbing Shri Manoj Kumar Mahatha, Casual worker, as permanent part-time worker is justified? If not, what relief the workman is entitled for?”

7. Finding With Reasons

The Concerned workman in support of his case has examined himself as WW-1. On his behalf letters issued by the management dt. 12-10-2001, 6-12-2000 and informative details has been marked as Ext.W-1, W-1/1 and W-1/2. Besides these two circulars of Central Bank of India dt. September 20, 1993 and March 12, 1991 are marked as Ext. W-2 and W-2/1 respectively. On behalf of the management one M.D. Pati has been examined as MW-1. He has proved a report of S. K. Singh which is marked as Ext. M-1.

8. The Representative of the concerned workman has submitted that the concerned workman was working as casual worker since 1990 till December, 2000 continuously. In each year he was worked more than 240 days regularly. His name was also forwarded for absorption in the Bank's services but the management arbitrarily and illegally has not appointed him rather stopped him from his duty. On the other hand the representative of the management has vehemently argued that the concerned workman has never worked for more than 240 days in any year rather as per records he has worked for 75 days as a part time worker. He was engaged on daily wages basis and his engagement terminated on the same day when he completed his part time work. He has never worked continuously. In fact he had worked only for 75 days in the year 1992 as per details mentioned in Ext.M-1. Consequently the concerned workman is not entitled for any relief.

9. The evidence of the concerned workman is that he is working in Pusa Farm Branch of Central Bank of India as part time Sweeper since 30th May, 1990. His work was to Sweep the premises and also to clean toilets. From his evidence it appears that he is keeping the registers on the table taking from almirah and other works. Everyday he attended his duty from 9.30 A.M. to 1.30 P.M. He was initially paid @ Rs.15/- per day but before retrenchment he received wages @ Rs.50/- per day. He was stopped from work by the management from December, 2000. Then he raised industrial dispute. His wages were paid through voucher. The Branch Manager has forwarded his name giving particulars to the Regional Office for his absorption as regular sweeper. He worked continuously from 1990 to

December, 2000. He has put attendance for more than 240 days in a year regularly. His claim is justified. During cross-examination he has stated that management had not issued any letter of appointment engaging him as part time sweeper. He has stated that he worked more than 240 days as a casual worker. It is not a fact that he worked for 49 days as Water Carrier from 1990 to December, 2000. It is not a fact that his name was not forwarded for his absorption in the service.

10. As per evidence of the concerned workman it appears that he was engaged for the purpose of sweeping the premises and cleaning the tables and other works of the Bank, at the same time it appears that he was not engaged for the whole day rather he was working from 9.30 A.M. to 1.30 P.M. It also appears that no appointment letter for engagement was issued to him though he has said regarding submission of papers to show that he had worked more than 240 days. Much reliance has been placed on behalf of the concerned workman that Branch Manager had written a letter in the year 2001 giving details of the work done by him. From perusal of Ext.W-1 it appears that details have been mentioned against the name of Manoj Kumar Mahatha showing the period during which he worked from April, 1990 to 10-6-2000. Ext.W-1 is dated 12-10-2001. In this letter though it is said to be sent to the Regional Office, Darbhanga yet in this letter there is no letter No. but it is dated 12-10-2001 and in the left corner only “R/o Darbhanga” has been mentioned. In this letter it has also been mentioned that forum in which the case is pending has been mentioned “Central Labour Tribunal, Dhanbad Court II”. About period during which the concerned workman worked has been mentioned is as follows:—

Sl.	Name	Branch where worked	Worked as S. Staff Pt. Sw.	Period during which
I	Manoj Kumar Mahatha	Pusa Farm	NA	April 1990 10-6-2000

It will be relevant to mention that the concerned workman work claims to continuously from 1990 to December, 2000 but in this letter instead of December, 2000, 10-6-2000 has been mentioned. The concerned workman has not disclosed the name of the Branch Manager who has written this letter. The Branch Manager of the concerned branch has not been examined. Management has disputed this letter stating that no such letter has been found in the record of the Bank which finds support from the evidence MW-1. Similar is the position of Ext. W-1/2. This is dated 6-12-2000. R/o Darbhanga has been written but it does not appear to have any letter number. About this letter it is said to have been sent information of employees engaged on temporary basis who have worked for 240 days or more. This information sheet is Ext. W-1/2. In this information sheet period/no. of days has been mentioned as 7-1-91 to 30-12-91 exceeding 240 days. This information relates to the concerned workman. This also appears to have been prepared when the industrial dispute was pending before the ALC (C), Patna. However, in the remark column it has been

mentioned that regarding enquiry into the case by Sri A.K. Singh-regarding the claim of work done by the concerned workman during the period in question. This document has been filed by the concerned workman. From perusal of this document it only appears that the concerned workman worked between the period from 7-1-91 to 30-12-91 exceeding 240 days. This document has been denied to have its existence as it has not been found in the record of the Bank.

11. As per evidence of MW-1 the concerned workman worked 40 days for drinking water and 35 days as a labour during the year 1992. He worked during these 75 days as and when required. The matter was enquired by S.K. Singh Senior Manager who submitted a report which is in the record and the same has been filed and marked as Ext. M-1. Besides these 75 days the concerned workman had not worked in the Bank in any capacity. During cross-examination the witness was put question regarding his posting from which it appears that during the relevant time he was not posted in the concerned branch but it appears that at present he is posted where the concerned workman is said to have worked. The witness deposed on behalf of the Bank on the basis of record. From perusal of Ext. M-1 it appears that S.K. Singh he had submitted a report regarding the work done by the concerned workman. He has mentioned different date during which the concerned workman is said to have worked. This shows that he worked for 40 days for carrying water and 35 days as a labour. From his report it also appears that the concerned workman was not working as Safai Karamchari. Therefore, verification of his further details of his school certificate and other details were not done. MW-1 during cross-examination has also said that nothing has been found in the record that the name of the concerned workman was sent to the Regional Office by J.C. Chaudhury who is said to be the Branch Manager.

12. There is no any other document on record to show that the concerned workman did work for more than 240 days in each year from 1990 to December, 2000. Even the Ext. W-1/2 does not disclose that the concerned workman did any work after 1991. On perusal of Ext. M-1 it appears that it does not bear the date. However, from evidence of MW-1 it appears that it is the report of S.K. Singh, Sr. Manager which shows that the concerned workman only worked for 75 days during 1992 only. Several questions have been raised and submitted on behalf of the concerned workman not to reply on the evidence of MW-1 and Ext. M-1. Be as it may be when the concerned workman is claiming the relief on the basis of the fact that he did work for more than 240 days in each year during the period from 1992 to December, 2000 the onus lies upon the concerned workman to prove this fact.

13. It will be relevant to mention that Ext. W-1 and W-1/1 are the documents which appears to have been prepared when industrial dispute was raised by the concerned workman except the said letters there is no any other document to establish the fact that the concerned workman did work continuously as claimed by him, even from the evidence of the concerned workman himself it

appears that he was working as part time sweeper. It itself shows that he was not engaged for the whole day.

14. On behalf of the concerned workman it has further been argued that there had been circular of the Bank vide Ext. W-2 and W-3 which shows that the concerned workman is entitled for absorption in the Bank's services. On behalf of the management it has been submitted that these circulars were issued by the management for one time absorption of the workers who had worked more than 240 days in a particular year. The second circular was issued only for clarification. It has further been submitted that the circular does not cover the persons who were performing the nature of job as done by the concerned workman. So these circulars are not applicable in the case of the concerned workman and also in view of the fact that the concerned workman had not completed more than 240 days in each year rather he worked only for 75 days on different days during the period 1992.

15. Another question has been raised on behalf of the management that Central Bank of India is a public sector undertaking and as per rules of the Bank the Branch Manager is not authorised/competent to appoint any person either on temporary/permanent post which has also been stated in Ext. M-1. The representative of the management has further submitted that the Bank has its own recruitment rules and following the procedure appointments are made and it is not a fact that any one who has done work as casual labour/Part time worker at any time is entitled for absorption in the Bank's services. In this connection he has also referred a judgement of the Hon'ble Apex Court reported in 2006 (2) JLJR SC 283 Secretary, State of Karnataka-versus-Uma Devi and others. The representative of the management has further submitted that the concerned workman is also not entitled for any relief under Section 25F of the I.D.Act., 1947 as he was engaged on day to day basis and his job came to an end on the very day on which he was engaged. Such worker is not entitled to get any relief in view of the decision of the Hon'ble Patna High Court reported in 2998 (1) BBCJ page 480 Sanjay Kumar Tewary-versus The State of Bihar & Ors where it has been held Termination of employment of a daily wage employee cannot give rise to an industrial dispute such a person is not within the sweep of the Act. An employer terminating the employment of daily wage is not required to follow the provision of section 25F and is not required to serve notice, pay compensation. It has further been submitted on behalf of the management that the concerned workman had also not worked for more than 240 days or more in the preceding year i.e. in the year 2000. Therefore, on account of this reason section 25F is also not applicable in this case.

16. For the reasons mentioned above it has been found that evidence on record do not justify to hold that the concerned workman did work for 240 days or more in each calendar year from 1990 to December, 2000 rather it appears that the concerned workman had worked only for 75 days that too on different dates and not continuously during the year 1992 only. The case of the concerned

workman is different from the case of the workman about whom decisions have been filed. Rather it appears that the facts and circumstances are different. Hence the same is not being discussed in details.

In the above circumstances the concerned workman is not entitled to get any relief as prayed for. It will be relevant to mention that on behalf of the concerned workman nothing has been shown that there is any post of like part time worker which exists in the Central Bank of India. In the result, the following Award is rendered:

“The action of the management of Central Bank of India, Zonal Office, Muzaffarpur in not absorbing Shri Manoj Kumar Mahtha, Casual Worker as permanent part time worker is justified. Consequently, the concerned workman is not entitled to get any relief.”

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 24 जून, 2008

का. आ. 1900.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं आई सी ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 879/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-17011/11/2001-आई आर (बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 24th June, 2008

S. O. 1900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 879/04 of the Central Government Industrial Tribunal-cum-Labour Court Ahmedabad (Gujarat) as shown in the Annexure, in the industrial dispute between the management of the Sr. Divisional Manager, LIC of India, and their workmen, received by the Central Government on 20-6-2008.

[F. No. L-17011/11/2001-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B. I. KAZI (B.Sc., L.L.M)
PRESIDING OFFICER

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.)
No. 879/04.

OLD (I. T.C) No. 06/2001

LIC of India,
The Sr. Division Manager, LIC of India,

Bhavnagar Division, Kaveri Complex, Navpura,
Bhavnagar (Gujarat) 364 002 —First Party

V/s.

The General Secretary,
Insurance Workers Organization,
C/o LIC of India, Navpura Bhavnagar,
(Gujarat) 364 002. —Second party

Appearance

First Party: Shri K.V. Gadhia, Shri Mahendra Patel

Second Party: Shri Ajit S. Vora

AWARD

1. The Government of India has referred the industrial Dispute between the above parties by order No. L-17011/11/2001-IR (B-II) dated 10-08-2001 to this Tribunal for adjudication the terms of reference is as under:

SCHEDULE

“Whether the demand of Bhavanagar Division Insurance Workers Organization in demanding revocation of office order dated 17-07-1997 passed by the disciplinary authority in respect of Shri Rameshbhai Ramani, Assistant by which penalty of placement in a lower stage in the time scale by one stage and also a penalty of censure was awarded and further damages incurred to Shri Ramani should be compensated by the management of LIC of India is justified? If so, what relief the concerned workman is entitled to?”

2. The second party was issued a notice to file the statement of claim by this Tribunal on 20-12-01. The date to file the statement of claim was 28-02-2002. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 2 years 3 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order:

ORDER

The demand of Bhavnagar Division Insurance Workers Organization in demanding revocation of office order dated 17-07-1997 passed by the disciplinary authority in respect of Shri Rameshbhai Ramani, Assistant by which penalty of placement in a lower stage in the time scale by one stage and also a penalty of censure was awarded is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Dated: 12-10-2005

Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1901.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 105/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-22012/159/1999-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 105/2000) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 25-6-2008.

[F. No. L-22012/159/1999-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/105/2000

PRESIDING OFFICER: SHRI C.M.SINGH

The Secretary,
Koyal Mazdoor Sabha (U.T.U.C.),
Jhimer Colliery, Shastri Nagar,
Post: Jhimer Colliery,
Distt. Shahdol (MP) ... Workman/Union

Versus

Sub Area Manager,
Rajnagar RO of SECL,
Post: Rajnagar Colliery,
Distt. Shahdol (MP) ... Management

AWARD

Passed on this 17th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/159/99-IR(C-II) dated 20-06-2000 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the management of Rajnagar O.C.M., PO: Rajnagar Colliery, Distt. Shahdol, SECL in not rectifying the date of birth of Sh. Goverdhan Tiwari is legal and justified? If not, to what relief the workman is entitled?”

2. The Case of Workman Shri Govardhan Tiwari/Union in brief is that he was working as Asstt. Foreman with the SECL. That he was appointed on 07-06-1967 his date of birth was recorded in the service book as 01-04-1947. His date of birth according to School Leaving Certificate is 12-01-1948. He made representation to the management to correctly record his date of birth in his service record but all in vain.

3. The case of management in brief is as follows:—

The age of the workman in Form “B” Register is recorded as 01-04-1947. On the representation of the workman the Age Determination Committee after examining the workman assessed his date of birth as 08-09-1940. The workman has committed fraud and cheated the Department by filing a fraudulent school leaving certificate for correcting his date of birth. The workman has already retired from service w.e.f. 2000 on attaining the age of superannuation.

4. Vide order dated 23-09-2005 the case proceeded ex parte against the workman/union. The management in order to prove their case filed affidavit of their witness Shri O.P. Singh then posted as CME/Sub Area Manager, Rajnagar OCM in SECL, Hasdeo Area.

5. I have heard Shri A.K. Shashi, Advocate, the Learned Council for the management and perused the evidence on record.

6. The case of the management is fully proved from the unchallenged affidavit of their witness of Shri O.P. Singh. The reference is therefore decided in favour of the management and against the workman/union without any orders as to costs holding that the action of the management of Rajnagar O.C.M., PO: Rajnagar Colliery, Distt. Shahdol, SECL in not rectifying the date of birth of Sh. Goverdhan Tiwari is legal and justified. Consequently the workman is not entitled to any relief.

7. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1902.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजीनियर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/ 28/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-14012/61/2004-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/28/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the management of Garrison Engineer, and their workmen, received by the Central Government on 25-6-2008.

[F. No. L-14012/61/2004-IR(DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JABALPUR**

No. CGIT/LC/R/28/2005

PRESIDING OFFICER: SHRI C.M.SINGH

The Secretary,
MES Employees Union, Jabalpur Area,
P-324/5, MES Colony,
Near OM Vidya Mandir School,
Bairagarh,
Bhopal (MP) - 462 030

...Workman/Union

VERSUS

The Garrison Engineer,
Military Engineering Services,
Bairagarh,
Bhopal (MP)

...Management

AWARD

Passed on this 16th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-14012/61/2004[IR(DU)] dated 08/04/2005 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Garrison Engineer, MES Bairagarh, Bhopal not restructuring of cadre of Artisan Staff in their establishment vide letter dated 20-05-2003 giving effect from 1-1-96 is justified? If not, what relief the concerned workmen entitled to?”

2. Vide order dated 31-08-2007 passed on the order sheet of this reference proceeding, the reference proceeded ex parte against the workmen/union. Thereafter, a few dates were fixed for filing ex parte Written Statement by the management. Order sheet dated 13-06-2008 reveals that on this date no body responded for workmen/union as well as the management and no ex parte Written Statement filed by the management. Therefore under the above circumstances this Tribunal was left with no option but to close the reference

for award. In the above manner the reference was closed for award.

It appears from the above that the parties have no interest in this reference proceeding and perhaps no industrial dispute is left between them. Therefore no dispute award without any orders as to costs is passed in this case.

3. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1903.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/ आर/ 217/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-40012/24/1998-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1903.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/217/1998) Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom, and their workmen, which was received by the Central Government on 25-6-2008.

[F. No. L-40012/24/1998-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/217/1998

PRESIDING OFFICER: SHRI C. M. SINGH

Shri Kailash Kumar
S/o Shri Hariprasad,
Vill: Kalkheda,
PO: Ratibad,
Distt. Bhopal - 462 001

...Workman/Union

Versus

Chief General Manager,
Dept. of Telecommunication,
Hoshangabad Road, MP Circle,
Bhopal - 462 001

...Management

AWARD

Passed on this 16th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No.L-40012/24/98/IR(DU) dated 10-09-98 has referred the following dispute for adjudication by this Tribunal:

“Whether the action of the management of Chief General Manager, Telecom in terminating the services of Shri Kailash Kumar S/o Hariprasad is legal and justified? If not, to what relief the workman is entitled?”

2. Vide order dated 22-06-2006, the reference proceeded ex parte against workman Shri Kailash Kumar. No Statement of Claim has been filed on behalf of workman.

3. The Management filed their Written Statement. Their case in brief is as follows:

That the workman was initially engaged in the year 1987 by the management. He was engaged for a specific period and for a specific work with condition that as and when the work would be completed his services would automatically come to an end. The workman was engaged only as a Casual Labour. He was not appointed in any vacant post. Since workman was not a regular employee the provision of I.D. Act., 1947 are not applicable in the present case. Consequently the workman is not entitled to any relief whatsoever.

4. There is no evidence of any of the parties on record.

5. Due to no evidence of parties, the reference is answered in favour of the management and against the workman without any orders as to costs holding that the action of the management of Chief General Manager, Telecom in terminating the services of Shri Kailash Kumar S/o Hariprasad is legal and justified. Consequently the workman is not entitled to any relief.

6. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1904.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिण्डिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद, के पंचाट (संदर्भ संख्या सीजीआईटी/ एलसी/ आर/ 106/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[का. सं. एल-12011/154/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 106/2003) of the Central Government Industrial Tribunal-cum-Labour Court No 2, Dhanbad, as shown in the Annexure, in the Industrial Dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 25-6-2008.

[F. No. L-12011/154/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**TRIBUNAL (No. 2) SHRAM BHAWAN,
MURLINAGAR, DHANBAD**

PRESENT

Shri NAGENDRA KUMAR,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act., 1947

Reference No. 107 of 2003

PARTIES. Employers in relation to the
management of Syndicate Bank
And
their workmen.

APPEARANCES

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
Manager (P)

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU.
Representative workman

State : Jharkhand INDUSTRY: Bank

Dhanbad, the 9th June, 2008.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/154/2003-IR(B-II) dated 23-9-2003.

SCHEDULE

“Whether the action of the management of Syndicate Bank, Darbhanga Branch Bihar in not regularizing the services of Shri Pramod Choudhary on the basis of interpretation of Government guidelines is correct and legal? If not justified, what relief the workman is entitled to?”

The record is put up in the Lok Adalat. Both the parties named above are present and files a settlement petition under their signature. Perused the settlement petition and heard both side. The settlement appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the said settlement petition is accepted and an Award is passed in terms thereof which forms part of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

FORM-H

Memorandum of Settlement arrived at Under Section 12(3) of the Industrial Disputes Act, 1947 between the Management of Syndicate Bank and their workmen represented by Syndicate Bank Employees Union before the Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad on 9-6-2008.

PARTIES TO THE SETTLEMENT:

Representing the Management

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office,
Patna

Representing the Union/Workman

Sri Prabhat Choudhary,
State Secretary
S. B. E. U.
Bihar State Committee

Short Recital of the Case

The State Secretary, SBEU, Bihar State Committee had raised an industrial dispute over alleged denial of regularization of Sri Samarnath Singh and 08 others Attenders / PTS working in different branches of Syndicate Bank and the matter was referred for adjudication in this Tribunal. In course of hearing both the parties agreed to settle the dispute on the following terms:

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers have been regularized from the date mentioned against their names:

S. No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as and posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender, Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD, Mazaffarpur
4.	103/2003	Sri Sunil Kumar	2-12-20007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	2-4-2007	PTS, Patna
6.	105/2003	Sri P. K. Rout	2-4-2007	PTS, Hajipur
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender, Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-2-2007	Attender, Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders / Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manipal on 1—3rd September, 1983 as well as the provision of the Bipartite Settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

SIGNED BY:

REPRESENTING THE MANAGEMENT

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office, Patna

REPRESENTING THE UNION/WORKMAN

Sri Prabhat Choudhary,
State Secretary
S. B. E. U.
Bihar State Committee.

नई दिल्ली, 25 जून, 2008

का. आ. 1905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिण्डीकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. 2, धनबाद, के पंचाट (संदर्भ संख्या 105/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12011/153/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 105/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the Management of Syndicate Bank, and their workmen, received by the Central Government on 25-6-2008.

[F. No. L-12011/153/2003-IK(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE**TRIBUNAL (No. 2), SHRAM BHAWAN,
MURLINAGAR, DHANBAD****PRESENT**

Shri NAGENDRA KUMAR,
Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947

Reference No. 105 of 2003

PARTIES

Employers in relation to the
Management of Syndicate Bank
And
their workmen.

APPEARANCES

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
.Manager (P)

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU,
Representative workman

State : Jharkhand Industry: Bank

Dated, Dhanbad, the 9th June, 2008.

AWARD

The Government of India, Ministry of Labour in
exercise of the powers conferred on them under Section
10(1)(d) of the I.D. Act, 1947 has referred the following
dispute to this Tribunal for adjudication vide their Order
No. L-120/11/153/2003-IR(B-II) dated 23-09-2003.

SCHEDULE

"Whether the action of the management of Syndicate
Bank, Munger Branch, Bihar in not regularizing the
services of Shri P. K. Rout on the basis of
interpretation of Government guidelines is correct
and legal? If not justified, what relief the workman is
entitled to?"

The record is put up in the Lok Adalat. Both the
parties named above are present and files a settlement
petition under their signature. Perused the settlement

petition and heard both side. The settlement appears to be
fair, proper and in accordance with the principle of natural
justice. Accordingly the said settlement petition is accepted
and an Award is passed in terms thereof which forms part
of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

FORM - H

Memorandum of Settlement arrived at Under Section
12(3) of the Industrial Dispute, Act, 1947 between the
Management of Syndicate Bank and their workmen
represented by Syndicate Bank Employees Union before
the Presiding Officer, Central Government Industrial
Tribunal No. 2, Dhanbad on 9-6-2008.

Parties to the Settlement:**Representing the Management**

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office, Patna

Representing the Union/Workman

Sri Prabhat Choudhary,
State Secretary
S. B. E. U.,
Bihar State Committee.

Short Recital of the Case

The State Secretary, SBEU, Bihar State Committee
had raised an industrial dispute over alleged denial of
regularization of Sri Samarnath Singh and 08 others
Attenders / PTS working in different branches of Syndicate
Bank and the matter was referred for adjudication in this
Tribunal. In course of hearing both the parties agreed to
settle the dispute on the following terms:

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers
have been regularized from the date mentioned against
their names:

S.No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as and posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender, Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD, Mazaffarpur
4.	103/2003	Sri Sunil Kumar	2-12-2007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	2-4-2007	PTS, Patna
6.	105/2003	Sri P. K. Rout	2-4-2007	PTS, Hajipur
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender, Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-2-2007	Attender, Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders / Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manipal on 1-3rd. Sept, 1983 as well as the provision of the Bipartite Settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

SIGNED BY:

REPRESENTING THE MANAGEMENT

Sri Rajesh Kumar Sinha,
Manager (P)
Syndicate Bank,
Regional Office, Patna

REPRESENTING THE UNION/WORKMEN

Sri Prabhat Choudhary,
State Secretary, S. B. E. U.,
Bihar State Committee

नई दिल्ली, 25 जून; 2008

का. आ. 1906.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिण्डीकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम. न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 97/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12011/74/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1906.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 97/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 25-6-2008.

[F. No. L-12011/74/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

TRIBUNAL (No. 2), SHRI A. M. BHAWAN,
MURLINAGAR, DHANBAD

PRESENT

Shri NAGENDRA KUMAR,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947

Reference No. 97 of 2003

PARTIES. Employers in relation to the management of Syndicate Bank
And
their workmen.

APPEARANCES

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
Manager (P),

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU.
Representative workmen

State : Jharkhand

Industry : Bank

Dated, Dhanbad, the 9th June, 2008

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-120 11/74/2003-IR(B-II) dated 9-9-2003.

SCHEDULE

“Whether the action of the management of Syndicate Bank, in not regularizing the services of Shri Mani Shankar Das in Syndicate Bank is legal and justified ? If not, to what relief he is entitled ?”

The record is put up in the Lok Adalat. Both the parties named above are present and files a settlement petition under their signature. Perused the settlement petition and heard both side. The settlement appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the said settlement petition is accepted and an Award is passed in terms thereof which forms part of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

ANNEXURE

FORM-H

Memorandum of Settlement Arrived at Under Section 12(3) of the Industrial Dispute Act, 1947 Between the Management of Syndicate Bank and Their workmen Represented by Syndicate Bank Employees Union Before the Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad on 9-6-2008.

PARTIES TO THE SETTLEMENT:

Representing the Management

Sri Rajesh Kumar Sinha,
Manager (P), Syndicate Bank,
Regional Office, Patna

Representing the Union/Workman

Sri Prabhat Choudhary,
State Secretary, S. B. E. U.,
Bihar State Committee

Short Recital of the Case

The State Secretary, SBEU, Bihar State Committee had raised an industrial dispute over alleged denial of

regularization of Sri Samarnath Singh and 8 others Attenders/ PTS working in different branches of Syndicate Bank and the matter was referred for adjudication in this Tribunal. In course of hearing both the parties agreed to settle the dispute on the following terms :—

S. No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as & posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender, Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD Muzaffarpur
4.	103/2003	Sri Sunil Kumar	2-12-2007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	2-4-2007	PTS, Patna
6.	105/2003	Sri P. K. Rout	2-4-2007	PTS, Hajipur
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender, Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-2-2007	Attender, Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders/ Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manipal on 1-3rd. Sept, 1983 as well as the provision of the Bipartite settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

Signd by :

REPRESENTING THE MANAGEMENT

Rajesh Kumar Sinha,
Manager (P),
Syndicate Bank
Regional Office, Patna

REPRESENTING THE UNION/WORKMEN

Prabhat Choudhary,
State Secretary, S. B. E. U.
Bihar State Committee

नई दिल्ली, 25 जून, 2008

का. आ. 1907.——ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय न. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 1001/2 K 5) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/292/1999-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers have been regularized from the date mentioned against their names:

New Delhi, the 25th June, 2008

S. O. 1907.——In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 1001/2K5 of the Central Government Industrial Tribunal-cum-Labour Court No.2, Chandigarh, as shown in the Annexure, in the industrial dispute between the management of UCO Bank, and their workmen, received by the Central Government on 25-6-2008.

[F. No. L-12012/292/1999-IR(B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
—CUM-LABOUR COURT-II, SECTOR-18-A
CHANDIGARH**

Presiding Officer : **SHRI KULDIP SINGH**

CASE ID. NO: 1001/2K5

Registered on : 16-09-2005

Date of Decision: 05-06-2008

Rajeev Kumar Sharma

S/o Shri Hari Sewak Sharma,
R/o Kucha Luxman Dass (Jyotishi),
Ferozpur city- Punjab.

...Petitioner

Versus

Zonal Manager,
UCO Bank,
SCO 1092-93,
Sector 22-B,
Chandigarh.

...Respondent

APPEARANCE

For the Workman: In person

For the Management: Mr. N.K.Zakhmi, Advocate.

AWARD

Government of India, Ministry of Labour, New Delhi has referred the following dispute for the adjudication of

this Tribunal vide their No. L-12012/292/99-IR(B-II) dated 30th of August, 2001:

"Whether the action of the management of UCO Bank is justified in terminating the services of Shri Rajeev Kumar Sharma, Agent appointed under the Laghu Bachat Yojna of UCO Bank? If not, what relief is the disputant entitled to?"

The notice of the reference was given to the parties who appeared and filed their pleadings. The workman did not file a specific statement of claim. On 31st of March, 2001 he stated that his letter filed on 26th of Sept, 2001 be treated as his statement of claim. However, he filed his rejoinder to the written statement of the management. He also filed his affidavit and copies of a number of documents in support of his claim whereas the management filed the affidavit of Shri S.K.Garg, Manager, in support of their pleadings. Both, the workman and Shri S.K.Garg, came in the witness box and were cross-examined by the opposite side.

The claim of the workman, as is made from the co-joint reading of his pleadings, is that he had been working as LBY(Laghu Bachat Yojna) agent for the UCO Bank in its Ferozpur, City Branch since 8th of April, 1988. After 1st of Sept., 1997 he was not allowed to open new accounts and collect the money from the old account holder by the management since 12th of January, 2001. He had to cut a sorry figure to the twenty new account holders he had enlisted. Thus the management, by their action, terminated his services. He worked under the control of the management since he was not allowed to leave the station for better prospective. He was also made to perform clerical job and the books of management, such as ledgers of LBY, weekly, monthly and quarter reports, bear witness to it. The management, in their reply to the notice of ALC(C), Chandigarh, in paragraph No. 7 of their letter No. CZO/Law/98-99 dated 21st of January, 1999, admitted this fact. The management did not respond to his presentations. They did not pay him his security deposits and his term deposit receipts were not renewed in time. He denied that he was asked to work under the new scheme. He has prayed for implementation of the orders passed by the Hon'ble Supreme Court in the case INDIAN BANK ASSOCIATION VERSUS WORKERS OF SYNDICATE BANK AND 47 OTHER BANKS being SLP (Civil) 1211/98 and 3355 of 1998 and for allowing him to open new accounts. He has also prayed for refunding him the amount of Rupees 50,000 lying with the management as his security deposit. He has also claimed damages for the suffering undergone by him and his family as a result of his disengagement by the management.

The claim of the workman has been opposed by the management. It is submitted by them that the workman was never in the employment of the management nor his services were terminated by them. According to them, the workman was engaged as agent by the management on his

request on contract basis. In terms of clause 11 and 12 of his contract letter, the relationship between the workman and the management was that of agent and the principal. His agency was terminable at any time without a notice, at the discretion of the management. The workman accepted all the conditions of the contract agreement by accepting the engagement. Admitting that vide letter dated 21st of August, 1998 the workman was advised not to open new accounts, it is claimed by them that thereafter the workman stopped working for the management bank. He thus abandoned his job. For administrative reasons the management discontinued the LBY (M) scheme, but the workman stopped collecting amount even from the depositors of the old accounts. The management gave fresh offer of agency to the workman under the new scheme launched vide circular dated 26th of June, 2003, but he refused to accept although the scheme was explained to him. On merits it is stated by the management that as per the contract agreement the workman was not to be an employee of the management bank. He also did not fall in the category of workman as defined by the Industrial Dispute Act, 1947. The management had no control on the working of the workman and he was paid only commission as per LBY scheme on the amounts so collected by him. He was also paid the arrears under the revised rates. It was as result of the administrative orders that the LBY scheme was discontinued. The management had not terminated the engagement of the workman; rather he himself had discontinued working saying that as a result of discontinuation of LBY scheme, there has come reduction in his income from commission. It is further contended by the management that as per settlement between the bank and LBY agent, he was not authorized to deal with or write anything on Banks books, ledgers and any action on his part was unauthorized. Denying the other averments made by the workman it is stated by the management that it is not management which had disengaged the workman rather he himself had discontinued working as he was earning better emoluments somewhere else.

The pleadings of the parties show that factually they do not disagree to a large extent. They admit that the engagement of the workman was as agent under LBY Scheme and the job of the workman was to collect money from the account holders on behalf of the management. He was also authorized to open new accounts under the said scheme. The copy of letter of appointment of the workman is placed on record by the management as Annexure I. The correctness of this letter is not disputed by the workman. According to this letter the engagement of the workman was purely in the shape of an agency creating no relationship of employee and employer between the parties. Clause 11 of the agreement read as under:

"you are not an employee of the Bank in any sense. The relationship between you and Bank is only that of an agent and principal. The service rules and

service conditions relating to the employee of the Bank have no application in your case and you shall not be entitled to any salary, provident fund or any other benefits ordinarily allowed to the staff of the Bank under its service conditions and rules."

This letter of appointment clearly shows that the relationship of the workman with the management was purely contractual. The other clauses of the appointment letter further show that the management had engaged the workman for collecting money for them and also to increase the depositors. In lieu thereof the workman was to get the settled commission, nothing more nothing less. The workman was required to perform his part of contract and only then he was entitled to the commission. He was required to maintain security deposit as a guarantee to the proper performance of his contractual liabilities and to ensure the accounting for the money he would receive on behalf of the management. He was entitled to get his account settled only after it was certified that he had accounted for all the money he collected for the management. Thus from the clauses of his appointment letter it cannot be said that he was an employee of the management.

The workman is basing his claim on the judgement of Hon'ble Supreme Court in the case of INDIAN BANKS ASSOCIATION (supra). I have gone through this authority of the Apex Court. Their Lordships, at page 17 of the judgement, have observed thus "In our view, Mr. Sharma was right when he submitted that on the basis of evidence before it the Tribunal has given findings of fact that the Deposit Collectors were workmen within the meaning of Section 2(develop) of the Industrial Dispute Act. On the evidence on record it could not be said that this finding was unsustainable." It was on the basis of the evidence available on record the Hon'ble Supreme Court came to the conclusions that the Deposit Collectors were the workmen. The present petitioner was not one of the workmen who were before the Hon'ble Supreme Court in that petition. There is also no evidence brought on record to show that the facts of the present case are similar to the cases which were before the Hon'ble Supreme Court in the matter of INDIAN BANKS ASSOCIATION (supra). He has also not been able to show that the Laghu Vachat Yojna under consideration before the Hon'ble Supreme Court in the case Indian Banks Association case was the same under which the workman was appointed as Agent by the management. He has also failed to show that after accepting him as agent the management could not close the scheme and in case closing of the scheme the workman was entitled to be absorbed in the service of the management bank.

In support of his claim the workman has filed and proved his affidavit. In cross-examination he admitted that the management had issued appointment letter in his favour, a copy of which is on record as annexure 1. He further admitted that he had given undertaking in response to the

appointment order and a copy of that is annexure II. He claimed that he had made collections of money from the account holders up to 12th of January, 2002 and named Public X-Ray clinic, Subash Sharma and others as the customers whose account were with him. He admitted that the Branch Manager had earlier asked him to close the accounts but after five days he had asked him to continue with the same. He admitted to have conveyed to the Branch Manager that since the old accounts have been closed therefore, the new account holders have also closed their accounts. He contested not to have worked under the scheme after 14th of June, 1998 but admitted that he had not worked from 2nd to 10th of Oct, 1998 since he was ill. He further admitted to have received the commission for accounts he had opened according to the revised rates as per circular of the management Bank but claimed that he was not paid wages for the work of clerk he had done for the management. He denied that he was given option to work under the new scheme and stated that he was not allowed to work by the Branch Manager. He denied that four other agents who had also filed the cases, had accepted the new scheme whereas he had refused to accept the same.

As against to it the witness of the management claimed that he had summoned the workman and had explained the new scheme to him but he refused to work under the new scheme claiming that his case is pending before the labour court and he is waiting for the decision. He further stated that in March, 2005 he had again extended the offer to the workman but the workman struck to his earlier stand. He denied that the workman had worked as clerk for the management and stated that since there were complaints against the workman therefore, he was not allowed to open the new accounts. The workman has not produced any other evidence to rebut the claim of the management. In this situation the looser is the workman since it he who is required to prove that it was the management of UCO Bank which had terminated the services of Shri Rajeev Kumar Sharma, Agent. The evidence on record rather shows that the Management had closed the earlier scheme and in its place a new scheme had been introduced. The documentary evidence available on record further show that there any obligation on the part of management not to close the scheme under which the workman was working. For the benefit of its share holder the management was not debarred from introducing a new scheme. It is also wrong claim of the workman that the management had disengaged him. The evidence rather shows that the workman had stopped working for the management after they introduced the new scheme. The workman has failed to show as to why Mr. S.K.Garg made the statement against him and claimed that the new scheme had been explained to him. The workman himself admitted that though the Branch Manager asked him to stop opening new accounts but after about a week he allowed him to continue working. Thus there is no truth in the claim of the

workman that it was the management which had disengaged him. The factual position in fact was that in compliance to the earlier circular the opening of the new account were kept in abeyance but on the receipt of new circular the working was allowed to be continued. The workman had however, refused to work under the new scheme.

After careful consideration of all the evidence available on record I am of the opinion that the workman has failed to show that the management of UCO Bank had terminated his services as agent under the Laghu Vachat Yojna of the said Bank. He is therefore, entitled to no relief. The reference is answered against him and the award is passed. Let a copy of the award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1908.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 37/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[सं. एल-22012/264/1995-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1908.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/1996) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL, and their workman, which was received by the Central Government on 25-6-2008.

[No. L-22012/264/1995-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. GCIT/LC/R/37/96

PRESIDING OFFICER : SHRI C. M. SINGH

General Secretary,
Koyal Mazdoor Sabha (U.T.U.C.),
Sohagpur Area,
Post: Dhanpuri,
Distt. Shahdol (MP) - 484 114

Workman/Union

Versus

General Manager,
Burhar and Navgaon Sub Area,
Post: Dhanpuri,
Distt. Shahdol (MP) - 484 114

Management
AWARD

Passed on this 9th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/264/95/IR(C-II) dated 30-1-96 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of Dy. General Manager, Burhar & Navgaon Sub Area of SECL Sohagpur Area in reducing basic pay of Sh. Dasroo and Sh. Devilal at present working as Munshi (Clerk Gr.III) Burhar No. 3 Colliery while promoting them from the post of Clipman to the post of Munshi is legal and Justified? To what relief the workmen entitled?”

2. The reference proceeded ex-parte against the workmen Sh. Dasroo and Sh. Devilal/union vide order dated 13-05-2004 passed on the order sheet of this reference proceedings. No Statement of Claim has been filed on behalf of the workmen/union.

3. The Management filed their Written Statement. Their case in brief is as follows. That workmen Sh. Dasroo and Sh. Devilal were initially appointed as General Mazdoor. Consequently they were given promotion to the post of Clipman and were posted at Burhar No. 3 Mine. That the post of General Mazdoor, Clipman etc., has no career growth as there is no cadre scheme for such post. That workmen Sh. Dasroo and Sh. Devilal, both of them applied for the post of Pit-Munshi Clerk Gr. III. That they appeared before the Departmental Selection Committee. Both of them were selected for the aforesaid post in basic scale of Rs. 1095-37-1613 of NCWA-IV. That accordingly they were offered for the said post. Both of them voluntarily accepted the offer to the post of Pit Munshi/Raising Munshi on initial basis in Clerical Gr. III. That there is no promotional channel of Clipman which comes under Daily Rated Category and is totally different from Pit Munshi/Raising Munshi, which comes under Clerical Gr. III. The workmen wanted their selection to the post of Pit Munshi/Raising Munshi in clerical cadre and at the same time wanted their pay to be secured and protected, which is not possible since the post of Pit Munshi/Raising Munshi is not a promotional post but a selection post.

4. The management in order to prove their case filed affidavit of their witness Sh. M.L.Prajapat, then working as Sub Area Manager at S.E.C.L, Sohagpur.

5. I have heard Sh. A.K.Shashi, Advocate for management and perused the evidence on record.

6. The case of the management is fully proved from the affidavit of the management's witness Sh. M. L. Prajapat which has remained unchallenged.

7. In view of the above the reference is answered in favour of the management and against the workmen/union without any order as to costs holding that the action of Dy. General Manager, Burhar & Navgaon Sub Area of SECL Sohagpur Area in reducing basic pay of Sh. Dasroo and Sh. Devilal at present working as Munshi (Clerk Gr. (III)) Burhar No. 3 Colliery while promoting them from the post of Clipman to the post of Munshi is legal and justified. Consequently the workmen/union are not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. अ. 1909.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रमान्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 156/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-22012/112/2002-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1909.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.156/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL, and their workman, which was received by the Central Government on 25-6-2008

[F. No. L-22012/112/2002-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. GCIT/LC/R/156/2002

PRESIDING OFFICER : SHRI C. M. SINGH

The President,
Bhartiya Koyal Khadan Mazdoor Sangh, (B.M.S.),
Branch-Johilla Area of SECL,
Post: Nowrozabad,
Distt. Umaria(MP) ... Workman/Union

Versus

The Chief General Manager,
Johilla Area of SECL,
Post: Nowrozabad,
Distt. Umaria(MP)
Umaria(MP) ... Management

AWARD

Passed on this 19th day of June 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/112/2002-IR(CM-II) dated 28-11-2002 has referred the following dispute for adjudication by this tribunal :

“Whether the demand of the BKKMS from the management of Johilla Area of SECL for giving notional seniority to Sh. Vijay Kumar, in the Clerical Special Grade from 22-2-1994 and promotion to the post of Office Superintendent in T & S Grade A w. e. f. 03-6-2000 with benefits incidental thereto is legal and justified? If so, to what relief is the concerned workman entitled and from what date?”

2. Vide order dated 27-02-2007 passed on the order sheet of this reference proceeding, the reference proceeded ex parte against the workman Sh. Vijay Kumar/Union. No Statement of Claim has been filed on behalf of workman/union.

3. The case of management in brief is as follows:—

The union has raised the present dispute claiming promotion to workman in clerical grade from 22-02-1994 and promotion to the post of Office Superintendent T & S grade w.e.f. 03-06-2000. This claim is highly delayed after a lapse of 8 years and therefore is not maintainable. That promotion to the said post are given on merit-cum-seniority and recommendation of DPC, availability of sanctioned post and administrative requirement. There is no sanctioned post in the grade of Office Superintendent (TS)-Gr. A in the store cadre personnel and therefore, the claim of workman to the said post has not been considered by the management. The claim made for the workman is neither just nor proper.

4. The management in order to prove their case filed affidavit of their witness Sh. S. K. Bhargav, then posted as Dy. Chief Personnel Manager Area Head Quarter Colliery of S.E.C.L., Johilla Area.

5. I have heard Sh. A. K. Shashi, Advocate for management and perused the evidence on record.

6. The case of the management is fully proved from the unchallenged affidavit of their witness Sh. S. K. Bhargav. Therefore, the reference is answered in favour of the management and against the workman/union without any order as to costs holding that the demand of the BKKMS from the management of Johilla Area of SECL for giving notional seniority to Sh. Vijay Kumar, in the Clerical Special Grade from 22-2-1994 and promotion to the post of Office Superintendent in T & S Grade-A w. e. f. 03-6-2000 with benefits incidental thereto is neither legal nor justified. Consequently the workman is not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1910.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 66/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-22012/328/2000-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1910.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL, and their workmen, which was received by the Central Government on 25-6-2008.

[F. No. L-22012/328/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, JABALPUR

No. GCIT/LC/R/66/2002

Presiding Officer : SHRI C. M. SINGH

Shri Arjun Kumar Verma,
Secretary,
Rashtriya Colliery Workers Federation (NLO),
C/o SECL, Banki Colliery,
PO: Banki Mongra
Korba - 495 447

Workman/Union

Versus

Sub Area Manager,
S.E.C.L., Banki Colliery,
Post: Banki Mongra,
Korba - 495 447

Management

AWARD

Passed on this 11th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/328/2000(IR-CM-II) dated 24-04-2002 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of SECL, Banki Colliery, Dt. Korba (MP) in treating the date of birth of Sh. B. P. Singh, Supervisor—Civil as 16-01-1942 instead of 16-01-1946 is legal and justified? If not, to what relief the workman is entitled to?”

2. Vide order dated 28-03-2006 passed on the order sheet of this reference proceeding, the reference proceeded ex parte against the workman Shri B. P. Singh / Union. No Statement of Claim has been filed on behalf of workman/union.

3. The management filed their Written Statement. Their case in brief is as follows:—

Workman Sh. B. P. Singh was appointed as casual labour by the erstwhile company namely N.C.D.C. At the time of his initial appointment he declared his date of birth as 16-01-1942. In service register of the workman his date of birth is recorded as 16-01-1942. In form 'B' register the same date of birth of the workman has been recorded. As per provision of I.I. No. 37 management displayed a notice on the notice board stating therein that the date of birth of each workman and it was specifically pointed out that any person having objection should submit his objection within 90 days. Inspite of the aforesaid notice workman did not submit any objection. As per age recorded in statutory records the date of birth of workman is 16-01-1942. That he has attained the age of superannuation of 60 years on 16-01-2002. The workman is not entitled to any relief what so ever.

4. The management in order to prove their case filed affidavit of their witness Sh. S. P. Patnaik, then working as Personnel Manager in Banki Colliery, Korba Area.

5. I have heard Sh. A. K. Shashi, Advocate for management. I have very carefully gone through the evidence on record.

6. The case of the management is fully proved from the affidavit of the management's witness Sh. S.P. Patnaik which has remained unchallenged.

7. In view of the above the reference is answered in favour of the management and against the workman Sh. B.P.Singh/union without any orders as to costs, holding that the action of the management of SECL, Banki Colliery, Distt. Korba (MP) in treating the date of birth of Sh. B. P. Singh, Supervisor-Civil as 16-01-1942 instead of 16-01-1946 is legal and justified. Consequently the workman/union is not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1911.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 171/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-22012/154/1997-आई आर (सी-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1911.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I71/1998) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL, and their workman, which was received by the Central Government on 25-6-2008

[F. No. L-22012/154/1997-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT- JABALPUR

NO. CGIT/LC/R/171/1998

PRESIDING OFFICER: SHRI C. M. SINGH

Branch President,
Samyukta Khadan Mazdoor Sangh,
Branch Banki Mongra,
Distt. Bilaspur (MP) Workman/Union

Versus

Deputy General Manager,
S.E.C.L., Banki Mongra,
Post: Banki Colliery,
Distt. Bilaspur (MP) Management

AWARD

Passed on this 9th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/154/97-IR(C-II) dated 30-7-98 has referred the following dispute for adjudication by this tribunal:-

“Whether the demand of Samyukta Khadan Mazdoor Sangh (AITUC), Br. Banki Colliery, Dist. Bilaspur for change of date of birth of Sh. Mohar Sai, Ex-haulage Khalasi, Banki Colliery is justified? If not, to what relief is the workman entitled?”

2. Vide order dated 20-11-2006 passed on the order sheet of this reference proceeding, the reference proceeded ex parte against the workman Shri Mohar Sai /Union. No Statement of Claim has been filed on behalf of workman/union.

3. The management filed their Written Statement. Their case in brief is as follows:—

In the form 'B' Register of the management, the date of birth of workman has been recorded as 01-01-1973. Due to increase of age disputes of the employees, for settlement of such disputes of the employees guidelines have been issued by the JBCCI in form of implementation instructions issued i.e. known as I.I. No. 37 in modification of I.I. No. 76 which was issued in the year 1988. As per guidelines in I.I. No. 37 the management in the year 1981 displayed a notice on the Notice Board mentioning therein the date of birth of each workman and it was specifically pointed out therein that any person having objection may submit his objection within 90 days. Inspite of notice the workman did not submit any objection within stipulated period of time. That the workman has not submitted any documents admissible under I.I. No. 37 and 76 to the management in support of his claim that his date of birth is 16-09-1939. Thus the workman has no case. He has been rightly retired from service on attaining the age of superannuation of 60 years w. e. f. 28-02-1997.

4. The management in order to prove their case filed affidavit of their witness Sh. S. P. Patnaik, then working as Personnel Manager in Banki Colliery.

5. I have heard Sh. A.K. Shashi, Advocate for management. I have very carefully gone through the evidence on record.

6. The case of the management is fully proved from the affidavit of the management's witness Sh. S.P. Patnaik which has remained unchallenged.

7. In view of the above the reference is answered in favour of the management and against the workman Sh. Mohar Sai/union without any orders as to costs, holding that the demand of Samyukta Khadan Mazdoor Sangh (AITUC), Br. Banki Colliery, Dist. Bilaspur for change of date of birth of Sh. Mohar Sai, Ex-haulage Khalasi, Banki Colliery is not justified. Consequently the workman/union is not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 25 जून, 2008

का. आ. 1912.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सिण्डीकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 107/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था ।

[सं. एल-12011/156/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1912.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the management of The Dy. General Manager, Syndicate Bank and their workmen, received by the Central Government on 25-6-2008

[No. L-12011/156/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

TRIBUNAL (NO. 2), SHRAM BHAWAN, MURLINAGAR, DHANBAD

PRESENT

Shri Nagendra Kumar,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I. D. Act, 1947

Reference No. 107 OF 2003

PARTIES. Employers in relation to the
management of Syndicate Bank
And
their workmen.

APPEARANCES

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
Manager (P)

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU.
Representative workman

State : Jharkhand INDUSTRY: Bank

Dated, Dhanbad, the 9th June, 2008

AWARD

The Government of India, Ministry of Labour in
exercise of the powers conferred on them under Section
10(1)(d) of the I.D. Act, 1947 has referred the following

dispute to this Tribunal for adjudication vide their Order
No.L-12011/156/2003-IR(B-II) dated 23-09-2003

SCHEDULE

“Whether the action of the management of Syndicate
Bank, Danapur Branch Bihar in not regularizing the services
of Shri Sushil Kumar Ojha, Attender on the basis of
interpretation of Government guidelines is correct and legal?
If not justified, what relief the workman is entitled to ?”

The record is put up in the Lok Adalat. Both the
parties named above are present and files a settlement
petition under their signature. Perused the settlement
petition and heard both side. The settlement appears to be
fair, proper and in accordance with the principle of natural
justice. Accordingly the said settlement petition is accepted
and an Award is passed in terms thereof which forms part
of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

ANNEXURE

FORM - H

Memorandum of Settlement Arrived at Under Section
12(3) of the Industrial Disputes Act, 1947 between the
Management of Syndicate Bank and Their workmen
represented by Syndicate Bank Employees Union before
the Presiding Officer, Central Government Industrial
Tribunal No. 2, Dhanbad on 9-6-2008.

PARTIES TO THE SETTLEMENT:

Representing the Management

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office, Patna

Representing the Union/Workman

Sri Prabhat Choudhary,
State Secretary
S. B. E. U.
Bihar State Committee

Short Recital of the Case

The State Secretary, SBEU, Bihar State Committee
had raised an industrial dispute over alleged denial of
regularization of Sri Samarnath Singh and 08 others
Attenders / PTS working in different branches of Syndicate
Bank and the matter was referred for adjudication in this
Tribunal. In course of hearing both the parties agreed to
settle the dispute on the following terms :—

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers
have been regularized from the date mentioned against
their names :

S. No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as & posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD Muzaffarpur
4.	103/2003	Sri Sunil Kumar	02-12-20007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	02-04-2007	PTS, Patna
6.	105/2003	Sri P. K. Rout	02-04-2007	PTS, Hajipur
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-02-2007	Attender Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders / Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manjpal on 1-3rd September, 1983 as well as the provision of the Bipartite settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

Signed by :

REPRESENTING THE MANAGEMENT:

Shri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office, Patna

REPRESENTING THE UNION/WORKMEN

Shri Prabhat Choudhary,
State Secretary
S. B. E. U.
Bihar State Committee

नई दिल्ली, 25 जून, 2008

का. आ. 1913.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिण्डीकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्हित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 25/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[का. सं. एल-12011/193/2002-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1913.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.25/2003 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 25-6-2008

[F. No. L-12011/193/2002-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

TRIBUNAL (NO. 2), SHRAM BHAWAN,
MURLINAGAR, DHANBAD

PRESENT

Shri Nagendra Kumar,
Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I. D. Act, 1947

Reference No. 25 OF 2003

PARTIES. Employers in relation to the
management of Syndicate Bank
And
their workmen

APPEARANCES

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
Manager (P)

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU.
Representative workman

State : Jharkhand Industry : Bank

Dated, Dhanbad, the 9th June, 2008

AWARD

The Government of India, Ministry of Labour in
exercise of the powers conferred on them under Section

10(1)(d) of the I.D.Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-12011/193/2002-IR(B-II) dated 31-01-2003 & 10-2-2003

SCHEDULE

“Whether the action of the management of Syndicate Bank, Patna in terminating the service of Shri Samarnath Singh, Peon is Justified? If not what relief the concerned workman is entitled to?”

The record is put up in the Lok Adalat Both the parties named above are present and files a settlement petition under their signature. Perused the settlement petition and heard both side. The settlement appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the said settlement petition is accepted and an Award is passed in terms thereof which forms part of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

ANNEXURE

FORM - H

Memorandum of Settlement Arrived at Under Section 12(3) of the Industrial Dispute Act, 1947 Between the Management of Syndicate Bank and Their workmen Represented by Syndicate Bank Employees Union Before the Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad on 9-6-2008.

S. No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as & posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD Muzaffarpur
4.	103/2003	Sri Sunil Kumar	2-12-20007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	2-4-2007	PTS, Hajipur
6.	105/2003	Sri P. K. Rout	2-4-2007	PTS, Patna
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-2-2007	Attender Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders / Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manipal on 1-3rd. Sept, 1983 as well as the provision of the Bipartite settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

PARTIES TO THE SETTLEMENT:

Representing the Management

Sri Rajesh Kumar Sinha,
Manager (P),
Syndicate Bank,
Regional Office, Patan

Representing the Union/Workman

Sri Prabhat Choudhary,
State Secretary,
S. B. E. U.
Bihar State Committee

Short Recital Of the Case

The State Secretary, SBEU, Bihar State Committee had raised an industrial dispute over alleged denial of regularization of Sri Samarnath Singh and 08 others Attenders / PTS working in different branches of Syndicate Bank and the matter was referred for adjudication in this Tribunal. In course of hearing both the parties agreed to settle the dispute on the following terms:

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers have been regularized from the date mentioned against their names:

SIGNED BY:

REPRESENTING THE MANAGEMENT

Sri Rajesh Kumar Sinha,
Manager (P),
Syndicate Bank,
Regional Office, Patan

REPRESENTING THE UNION/WORKMAN

Shri Prabhat Choudhary,
State Secretary,
S. B. E. U.
Bihar State Committee

नई दिल्ली, 25 जून, 2008

का. आ. 1914.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडीकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 104/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[सं. एल-12011/152/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1914.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 104/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 25-6-2008.

[No.L-12011/152/2003-IR(C-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

TRIBUNAL (NO.2), SHRAM BHAWAN, MURLINAGAR, DHANBAD

PRESENT

SHRI NAGENDRA KUMAR,
Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the ID. Act., 1947

Reference No. 104 of 2003

PARTIES. Employers in relation to the
management of Syndicate Bank
And
their workmen.

APPEARANCES

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
Manager (P)

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU.
Representative workman

State : Jharkhand Industry : Bank

Dated, Dhanbad, the 9th June, 2008

AWARD

The Government of India, Ministry of Labour in
exercise of the powers conferred on them under Section
10(1)(d) of the I.D. Act, 1947 has referred the following

dispute to this Tribunal for adjudication *vide* their Order No.L-12011/152/2003-IR(B-II) dated the 23rd September, 2003.

SCHEDULE

“Whether the action of the management of Syndicate Bank, Regional Office, Patna Branch, Bihar in not regularising the services of Sh. Ram Chandra uraon on the basis of interpretation of Government guidelines is correct and legal? If not justified, what relief the workman is entitled to?”

The record is put up in the Lok Adalat Both the parties named above are present and files a settlement petition under their signature. Perused the settlement petition and heard both side. The settlement appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the said settlement petition is accepted and an Award is passed in terms thereof which forms part of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

FORM - II

Memorandum of settlement arrived at under Section 12(3) of the Industrial Dispute Act, 1947 between the Management of Syndicate Bank and Their workmen represented by Syndicate Bank Employees union before the Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad on 9-6-2008.

PARTIES TO THE SETTLEMENT:

Representing the Management

Sri Rajesh Kumar Sinha,

Manager (P),

Syndicate Bank,

Regional Office, Patan

Representing the Union/Workman

Sri Prabhat Choudhary,

State Secretary

S. B. E. U.

Bihar State Committee

Short Recital of the Case

The State Secretary, SBEU, Bihar State Committee had raised an industrial dispute over alleged denial of regularization of Sri Samarnath Singh and 08 others Attenders / PTS working in different branches of Syndicate Bank and the matter was referred for adjudication in this Tribunal. In course of hearing both the parties agreed to settle the dispute on the following terms:

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers have been regularized from the date mentioned against their names:

S. No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as & posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender, Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD Muzaffarpur
4.	103/2003	Sri Sunil Kumar	2-12-20007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	2-4-2007	PTS, Patna
6.	105/2003	Sri P. K. Rout	2-4-2007	PTS, Hajipur
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender, Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-2-2007	Attender, Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders / Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manipal on 1-3rd. Sept, 1983 as well as the provision of the Bipartite settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

SIGNED BY:

REPRESENTING THE MANAGEMENT

Sri Rajesh Kumar Sinha,
Manager (P)
Syndicate Bank
Regional Office, Patna

REPRESENTING THE UNION/WORKMEN

Sri Prabhat Choudhary,
State Secretary
S. B. E. U.
Bihar State Committee

नई दिल्ली, 25 जून, 2008

का. आ. —औद्योगिक विवाद अधिनियम, 1947. (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिण्डीकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 109/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12011/157/2003-आई आर (बी-11)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1915.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 109/2003 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure, in the Industrial dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 25-6-2008.

[F. No. L-12011/157/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**TRIBUNAL (NO. 2), SHRAM BHAWAN,
MURLINAGAR, DHANBAD**

PRESENT

Shri Nagendra Kumar,
Presiding Officer

In the matter of an Industrial Dispute under
Section 10(1)(d) of the ID. Act., 1947.

Reference No. 109 OF 2003

PARTIES: Employers in relation to the
Management of Syndicate Bank
And
their workmen.

APPEARANCES:

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
Manager (P).

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU.
Representative workman

State : Jharkhand

Dated, Dhanbad, the 9th June, 2008.

AWARD

The Government of India, Ministry of Labour in
exercise of the powers conferred on them under Section.

10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-120/1/157/2003-IR(B-II) dated 17-10-2003.

SCHEDULE

“Whether the action of the management of Syndicate Bank, Patna Branch Bihar in not regularizing the services of Sh. Ramji Prasad, Attender on the basis of interpretation of Government guidelines is correct and legal? If not justified, what relief the workman is entitled to?”

The record is put up in the Lok Adalat. Both the parties named above are present and files a settlement petition under their signature. Perused the settlement petition and heard both side. The settlement appears to be fair, proper and in accordance with the principle of natural justice. Accordingly the said settlement petition is accepted and an Award is passed in terms thereof which forms part of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

FORM - H

Memorandum of Settlement Arrived at Under Section 12(3) of the Industrial Dispute Act, 1947 Between the Management of Syndicate Bank and their workmen Represented by Syndicate Bank Employees Union Before the Presiding Officer, Central Government Industrial Tribunal No. 2, Dhanbad on 9-6-2008.

S. No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as and posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD Muzaffarpur
4.	103/2003	Sri Sunil Kumar	2-12-20007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	2-4-2007	PTS, Patna
6.	105/2003	Sri P. K. Rout	2-4-2007	PTS, Hajipur
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-2-2007	Attender Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders/Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manipal on 1-3rd. Sept, 1983 as well as the provision of the Bipartite settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

PARTIES TO THE SETTLEMENT:

REPRESENTING THE MANAGEMENT

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office, Patna.

REPRESENTING THE UNION/WORKMAN

Sri Prabhat Choudhary,
State Secretary,
S. B. E. U.
Bihar State Committee

Short Recital of the Case

The State Secretary, SBEU, Bihar State Committee had raised an industrial dispute over alleged denial of regularization of Sri Samarnath Singh and 08 others Attenders / PTS working in different Branches of Syndicate Bank and the matter was referred for adjudication in this Tribunal. In course of hearing both the parties agreed to settle the dispute on the following terms:

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers have been regularized from the date mentioned against their names:

SIGNED BY:

REPRESENTING THE MANAGEMENT:

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank,
Regional Office, Patna.

REPRESENTING THE UNION/WORKMAN

Sri Prabhat Choudhary,
State Secretary,
S. B. E. U.
Bihar State Committee

नई दिल्ली, 25 जून, 2008

का. आ. 1916.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिण्डिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 103/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12011/145/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2008

S. O. 1916.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.103/2003 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 25/6/2008.

[F. No. L-12011/145/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

TRIBUNAL (NO.2), SHRAM BHAWAN,
MURLINAGAR, DHANBAD

PRESENT

Shri Nagendra Kumar,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the ID. Act, 1947

Reference No. 103 of 2003

PARTIES : Employers in relation to the
management of Syndicate Bank
And
their workmen

APPEARANCES

On Behalf of the Employers : Mr. Rajesh Kr. Sinha,
Manager (P)

On Behalf of the Workmen : Sri P. Choudhary, State
Secretary, SBEU.
Representative workman

State : Jharkhand INDUSTRY: Bank

Dated, Dhanbad, the 9th June, 2008.

AWARD

The Government of India, Ministry of Labour in
exercise of the powers conferred on them under Section
10(1)(d) of the I.D. Act, 1947 has referred the following

dispute to this Tribunal for adjudication vide their Order
No. L-12011/145/2003-IR(B-II) dated the 23rd September,
2003.

SCHEDULE

“Whether the action of the management of Syndicate
Bank, Siwan Branch Bihar in not regularising the services
of Sh. Sunil Kumar on the basis of interpretation of
Government guidelines is correct and legal? If not justified,
what relief the workman is entitled to?”

The record is put up in the Lok Adalat. Both the
parties named above are present and files a settlement
petition under their signature. Perused the settlement
petition and heard both side. The settlement appears to be
fair, proper and in accordance with the principle of natural
justice. Accordingly the said settlement petition is accepted
and an Award is passed in terms thereof which forms part
of the Award as annexure.

NAGENDRA KUMAR, Presiding Officer

FORM - II

Memorandum of Settlement Arrived at Under
Section 12(3) of the Industrial Dispute Act, 1947 Between
the Management of Syndicate Bank and Their workmen
Represented by Syndicate Bank Employees Union Before
the Presiding Officer, Central Government Industrial
Tribunal No. 2, Dhanbad on 9-6-2008.

PARTIES TO THE SETTLEMENT:

Representing the Management

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office, Patna

Representing the Union/Workman

Sri Prabhat Choudhary,
State Secretary
S. B. E. U.
Bihar State Committee

Short Recital of the Case

The State Secretary, SBEU, Bihar State Committee
had raised an industrial dispute over alleged denial of
regularization of Sri Samarnath Singh and 08 others
Attenders/PTS working in different branches of Syndicate
Bank and the matter was referred for adjudication in this
Tribunal. In course of hearing both the parties agreed to
settle the dispute on the following terms:

TERMS OF SETTLEMENT

It is agreed between both the parties that:

(1) The following Attenders and Part Time Sweepers
have been regularized from the date mentioned against
their names:

S. No.	Case No.	Name of the Candidates	Date of Regularisation	Regularised as & posted to Branch
1.	25/2003	Sri Samarnath Singh	15-2-2007	Attender, Patna Bailey Road
2.	97/2003	Sri Mani Shankar Das	15-2-2007	Attender, Darbhanga GBPS
3.	98/2003	Sri Amar Kumar	15-2-2007	Attender, TCD Mazaffarpur
4.	103/2003	Sri Sunil Kumar	2-12-2007	PTS, Siwan
5.	104/2003	Sri R. C. Uraon	2-4-2007	PTS, Patna
6.	105/2003	Sri P. K. Rout	2-4-2007	PTS, Hajipur
7.	107/2003	Sri Sushil Kr. Ojha	25-11-2005	Attender, Danapur Main
8.	109/2003	Sri Ramji Prajapati	15-2-2007	Attender, Patna

(2) The Union does not want to contest the case of Sri Pramod Kumar Chaudhary, Case Ref. No. 106/2003 as the management has already issued the appointment order and he has not joined the Bank so far.

(3) The Union has requested for inclusion of temporary service of Attenders/Part Time Sweeper into permanent service of the Bank in tune with the understanding reached with the management held at Manipal on 1-3rd. Sept, 1983 as well as the provision of the Bipartite settlement in this regard.

The management agreed to look into the matter as per the guidelines of the Bank.

SIGNED BY:

Representing the Management

Sri Rajesh Kumar Sinha
Manager (P)
Syndicate Bank
Regional Office, Patna

Representing the Union/Workmen

Sri Prabhat Choudhary,
State Secretary
S. B. E. U.
Bihar State Committee

New Delhi, the 26th June, 2008

S. O. 1917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 83/1998 of the Central Govt. Indus. Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure, in the industrial dispute between the management of Chhatrasal Gramin Bank, and their workmen, received by the Central Government on 26-6-2008

[F. No. L-12012/154/1997-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, SHRAM BHAWAN, A.T.I.
CAMPUS, UDYOG NAGAR, KANPUR.

Industrial Dispute No. 83 of 1998

Chhatrasal Gramin Bank Workers Organization,
Orai
(Case of Smt. Nisha Varshney)

And

The Chairman
Chhatrasal Gramin Bank
Rath Road
Orai.

AWARD

1. Central Government, MOL, New Delhi, vide notification no. L-12012/154/97-IR.B-1 dated 29.04.98, has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of Chhatrasal Gramin Bank in awarding punishment to Smt. Nisha Varshney clerk cum cashier at Kalpi Branch in District Jalaun, vide their letter dated 29-08-96 is justified? If not to what relief the workman is entitled?”

2. It is common ground that the work lady was served with a charge sheet dated 25.03.92 by the disciplinary

नई दिल्ली, 26 जून, 2008

का. आ. 1917.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार छत्तीसगढ़ ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 83/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/154/1997-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

authority of the bank where after a regular departmental inquiry came into play against her. The enquiry officer conducted the inquiry and after conclusion of the inquiry written briefs were submitted by both the sides before the enquiry officer and after considering the same the enquiry officer his findings to the disciplinary authority. The Disciplinary authority concurring with the findings of the enquiry officer issued a show cause notice to the work lady after providing copy of inquiry report. The disciplinary authority in the show cause notice also proposed tentative punishment and asked the delinquent employee to submit his submissions within ten days of the receipt of show cause notice. Ultimately the proposed punishment upon the employee was confirmed by the disciplinary authority and the appeal against the same also could not find favour at the hands of the appellate authority which was rejected vide order dated 09-09-96.

3. It has been claimed by the union raising the instant dispute on behalf of the delinquent that charge no. 1 and 2 do not constitute misconduct; that the show cause notice shows that the disciplinary authority has held the delinquent employee guilty of carelessness and for cash being found short by Rs. 10,000; that the enquiry officer conducted the inquiry against all canons of rules of natural justice and rules governing the service conditions and allowed the presenting officer put leading questions particularly when the delinquent had never appeared as witness before him; that the presenting officer had appeared as witness in the course of inquiry but the enquiry officer denied opportunity to the delinquent to cross-examine the presenting officer; that besides above inquiry officer denied natural justice to the delinquent employee; that the enquiry officer based his findings on unproved documents; that as the enquiry officer he accepted the evidence of such a person who has never been subjected for his cross examination at the hands of the defence representative therefore the enquiry finding is perverse and lastly that the punishment of recovery of Rs. 10,000 from the delinquent employee and down grading one increment is illegal and unjustified. On the basis of above pleadings it has been prayed that the action of the opposite party is liable to be set aside being illegal and unjust and the delinquent employee is entitled to the benefits as if no punishment had ever been imposed upon him.

4. On the contrary the claim of the workman has been contested by the opposite party. It has been pleaded by the opposite party that on 16-11-06 Rs. 10,000/- was found short in the cash department which was make good by the delinquent employee by depositing a forged cheque of Rs. 10,000 of the account no. 54996 on the pretext that the cheque was received after close of business hours of the bank which was of M/s Laxmi Textiles. In the said cheque signatures of Sri Vijay Chand Varshney appears in place of collecting the amount of the cheque who is none else other than the father of the employee.

5. It has also been pleaded by the opposite party that the delinquent vide his letter dated 14-6-92 and 10-12-90 has admitted the misconduct committed by him. The matter came into the light when the father of the delinquent employee made a complaint in the bank that the amount of cheque has not been received by him. On inquiry made by the opposite party bank in this regard it transpired that the amount of Rs. 10000 was beyond the limit prescribed for the said firm and that the employee deliberately failed to pass a note against the account of the said firm to this effect. Taking note of this fact the employee has been issued a charge sheet dated 15-05-92 thereafter a regular disciplinary inquiry was conducted by the bank in which workman was given all reasonable opportunity of being heard by the authorities of the bank and the charges were found to be fully proved against the delinquent employee and accordingly punishment was awarded upon her which by no stretch of imagination can be said to be against the rules of natural justice or violating the rules of disciplinary action. There is no illegality in the action of the management. On the basis of above, it has been further pleaded that the delinquent employee had been punished on proved major misconduct and therefore she does not require any lenient view in the matter and further that her claim is liable to be rejected.

6. The union also filed rejoinder statement but nothing new has been pleaded in it except reiterating the facts pleaded in the statement of claim.

7. After exchange of pleadings, both contesting parties filed documentary evidence in support of their respective claims. Whereas workman examined her as W.W.I Sri Raj Kishore Tripathi examined himself as M.W.I.

8. Tribunal heard the arguments of the contesting parties at length and has also perused the records of the case.

9. First of all it will be seen as to whether or not the inquiry conducted by the opposite party against the delinquent employee is in accordance with the rules governing the disciplinary action and as to whether or not the inquiry is vitiated on account of breach of natural justice.

10. On the point of fairness of the inquiry it has been argued by the representative for the workman that the role of the enquiry officer was that of a prosecutor instead of impartial enquiry officer inter-alia on the ground that he did not follow the rules prescribed for conducting domestic inquiry during the course of conduct of inquiry. Enquiry Officer had not given reasonable and effective opportunity to the delinquent for her defence and that the enquiry officer did not appreciate the evidence and material available on the record of inquiry. It has also been argued from the side of the workman that the report of the enquiry officer is absolutely perverse and the same cannot be made basis for awarding the impugned punishment to the workman.

11. On the other hand it has been argued by the management that there is no perversity in the report of the Enquiry Officer, Enquiry Officer provided sufficient opportunity to the employee concern in his defence and that the inquiry conducted by the Enquiry Officer is in consonance with the rules of natural justice and rules governing disciplinary action and that the workman has rightly been punished by the disciplinary authority for her proved misconduct.

12. It may be pointed out that the opposite party bank has filed proceedings of inquiry in original which is on record. After giving anxious consideration to the proceedings of inquiry the tribunal is of the opinion—that the Enquiry Officer has conducted the inquiry proceedings in accordance with rules governing the disciplinary action and rules of natural justice have not been flouted by the Enquiry Officer. All possible opportunity was provided to the delinquent employee in his defence by the Enquiry Officer, therefore, Tribunal do not find any substance in the arguments advanced by the representative for the workman that inquiry has not been conducted in accordance with rules and that rules of natural justice have not been followed by the enquiry officer. Even it has also not been pointed out by the representative for the workman as to when the Enquiry Officer denied him any opportunity of defence. The arguments advanced by the representative for the opposite party carries much weight accordingly the tribunal is inclined to accept the same. Accordingly it is held that the enquiry conducted against the delinquent employee by the bank cannot be held to be vitiated on any count.

13. Next it will be seen if the inquiry finding is perverse or not. After giving serious consideration to the report of Inquiry Officer, tribunal finds that the findings of the Enquiry Officer are a well reasoned finding. He has discussed each and every aspect of the matter after properly appreciating the evidence and material available before him during the course of inquiry, therefore, the same cannot be held to be perverse. Conclusion drawn by him is the same which may be drawn by an ordinary prudent mind man, thus the finding does not suffer from any infirmity and does not require for interference of this tribunal.

14. Since the instant case is not a case of dismissal, discharge or removal from service, therefore, the tribunal in the facts and circumstances of the case cannot interfere with the punishment awarded to the delinquent employee which is upheld.

15. For the reasons discussed above, it is held that the action of the opposite party in awarding punishment to Smt. Nisha Varshney clerk cum cashier at Kalpi Branch in District Jalaun vide their letter dated 29-08-96 is legal and just. The result is that the workman is not entitled for any relief as claimed by her.

16. Accordingly reference is answered in favour of the opposite party and against the delinquent employee/union.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1918.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 159/1981) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/37/1981-(डी-II-ए)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1918.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 159/1981) of the Cent. Govt. Indus. Tribunal-cum-Labour Court Kanpur, as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 26-6-2008.

[F. No. L-12012/37/1981(D-II-A)]

N. S. BORA, Economic Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, ATI CAMPUS, KANPUR.

Industrial Dispute No.159 of 1981

Between

Sri S K Dubey,
S/o Nek Ram Dwivedi,
Viii & Post Agous
District, Farrukhabad

And

The Regional Manager,
State Bank of India,
Region II,
Mall Road,
Kanpur.

1. Central Government, Ministry of Labour and Employment, New Delhi, vide notification No.1-12012/37/81/D-II-A dated 18-12-91, has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of State Bank of India in relation to their IT Kanpur Branch

in discharging Sri S. K. Dubey Agriculture Assistant from 20-9-80 is justified? If not to what relief is the concerned workman entitled?"

2. It is common ground that the workman was working as Agriculture Assistant in the management bank at the relevant time i.e. the date of termination (20-9-80) at IIT Branch at Kanpur the workman was served with a charge sheet on 17-1-79, first charge of which was that he accepted Rs.100 from each of the prospective borrowers promoting them for loan for purchase of bessfetows and the second charge was that he was absent from duty after marking attendance fraudulently in the attendance register without submitting leave application. The workman submitted explanations to the charge sheet on 17-1-79 denying the charges and as the explanation was found unsatisfactory by the disciplinary authority the enquiry on the charges proceeded and that the Enquiry Officer after conducting the enquiry on 20th August, 1979, and affording the workman full opportunity there in to contest submitted his inquiry report on 20-9-79. The disciplinary authority after considering the enquiry report, consider it proper to discharge the services of the workman with effect from 31-12-79 in terms of paragraph 521(10)C of Sastri Award and the workman was given one month's salary and allowances in lieu of notice.

3. The workman has challenged the action of the opposite party on variety of grounds inter-alia that the enquiry findings are perverse illegal and without any basis and that the rules of enquiry has not been followed by the enquiry officer, therefore, his report cannot be used for inflicting punishment upon him.

4. On the contrary the claim of the workman has been contested by the opposite party bank alleging that the misconduct of the workman is of very serious nature which cannot be ignored and that the workman was given full opportunity for his defence in the inquiry. It has also been pleaded that the workman himself has admitted the guilt and having regard to his admission it was found fit to discharge the workman from service of the bank. There is no illegality in the action of the opposite party and the claim of the workman is liable to be rejected.

5. It may be mentioned that on the previous occasion this tribunal had decided the reference in favour of the claimant on the ground that compliance of Section 25F of the Act was not made by the opposite party. The Hon'ble High Court while setting aside the award observed that in the present case the punishment awarded to the claimant does not amount to retrenchment and therefore section 25F is not attracted. The case has been remanded back and directed this court to decide a fresh on merit as to whether the order of punishment was legally justified or not in the facts of the case.

6. Both contesting parties have appeared before the tribunal and have filed relevant documents connected with

the inquiry. Contesting parties were also provided opportunity to adduce oral evidence and whereas workman examined himself as W.W.I management examined Sri P N. Dubey as M. W.I.

7. First of all it has to be seen whether the enquiry against the worker was fair and proper and whether principles of nature justice were followed or not.

8. After serving charge sheet the management gave opportunity to the worker to file his reply. During the course of enquiry the representative of the claimant had cross examined the witnesses at length. He was present on 20-8-79 and 21-8-79, when these witnesses were examined. As regards the allegations of the workman that he was not allowed to be examined it may be pointed out that he never raised the point before the Enquiry Officer. He did not allege that copies of complaint be provided to him. Moreover he did not mention single word in his claim statement that the enquiry was not conducted according to Rules. Moreover after punishment of discharge from service he filed appeal before the appellate authority wherein he prayed as below:

"I, therefore, most humbly pray through the above lines of appeal to your honour to reconsider the disproportionate punishment of discharge communicated to me by the Regional Manager-I without any due weight-age for my past good conduct for 10 years of service in the bank".

These lines go to show that infact the worker was not aggrieved by the finding of the Enquiry Officer but was only aggrieved by the alleged disproportionate punishment of discharge from the service. Consequently it follows that the worker does not challenge the fairness of enquiry and also does not assert that there was any violation of natural justice. Even otherwise from the perusal of the enquiry proceedings, which are filed by the management categorically be held that the enquiry officer conducted the inquiry fairly and properly and the principles of natural justice were followed.

9. It is further argued by the learned representative of the workman that the witnesses who had deposed against the worker before the inquiry officer subsequently gave affidavit in support of the worker which ought to have been considered by the appellate authority. It may be pointed out that the worker in course of his examination before this court admitted that he approached the said witnesses and insisted upon them to file their affidavit in his supprt. Thus as a result of this exercise the affidavits were filed. These affidavits cannot be said to have been filed without any pressure or influence, and therefore these affidavits are of no use to the worker rather they corroborate the ill mentality of the worker.

10. The worker has also filed written arguments in which it is mainly and repeatedly raised legality of appointment of enquiry officer and the punishing authority.

There shall be no doubt in mind that in case of anything is not asserted in the pleadings the same cannot be looked into. The workman neither before the enquiry officer, punishing authority, appellate authority or before this tribunal by way of claim statement has raised this issue. Therefore, a new point cannot be raised by surprise and thus the contention of the workman that due to want of legal appointment of enquiry officer, the enquiry must be held to be illegal, is not acceptable to this court. Moreover, the worker participated in enquiry submitted his brief after close of enquiry he is now estopped from raising the legality of the appointment of the enquiry officer.

11. Considering the above facts and circumstances of the case it is hereby held that the punishment awarded to the workman is legally justified and there is no infirmity in it. The punishment is not disproportionate to the misconduct of the worker and therefore does not call for interference by this court.

12. The reference is therefore answered against the workman and in favour of the management.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. 3. 1919.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की पारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय किसान ग्रामीण बैंक के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 190/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[का. सं. एल-12012/179/1999-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1919.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 190/1999) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Kshetriya Kisan Gramin Bank, and their workmen, received by the Central Government on 26-6-2008.

[F. No. L-12012/179/1999-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

**BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR**

Industrial Dispute No. 190 of 1999

Sri Pramod Kumar Shukla
C/o Sri B. P. Saxena
426, W2 Vasant Vihar, Kanpur.

And

The Chairman
Kshetriya Kisan Gramin Bank
Kachahri Road
Mainpuri.

AWARD

1. Central Government, MOL, New Delhi, vide Notification No. L-12012/179/99-IR.B-I, dated 11-8-99, has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of Kshetriya Kisan Gramin Bank, Mainpuri in terminating the services of Sri Pramod Kumar Shukla w.e.f 31-3-87 is legal and justified? If not to what relief the workman is entitled and from which date?”

2. Case in short as set up by the workman is that he reported on 7-2-84 at bank's Kharit branch on the instruction of the chairman of the bank. It is alleged by the workman that he was required to work full day but he was paid his wages at the rate of Rs. 8.50 per day inclusive of Sundays and holidays and he was paid his wages on monthly basis. The opposite party vide letter dated 18-9-85 transferred the workman to its Firozabad branch and under the instructions of the Head Office he was relieved from the Kharit Branch with direction to report at Shikohabad branch on 20-9-85, and he reported for duty at the transferred place the same day. At Shikohabad branch the workman was paid Rs. 10 per day as his wages and he continued to work till 31-3-87 when his services came to an end as per Head Office instructions dated 28-3-87 and this termination was effected in gross violations of the provisions of Industrial Disputes Act, 1947. Junior persons were retained in the employment of the opposite party bank and that he was neither offered any retrenchment compensation nor management gave any notice or notice pay thus the action of the bank is in breach of the provisions of section 25F and 25H of the Act. It is also pleaded that according to the provisions of para 4.410 of the Sashtry Award the workman was entitled to be regularized in the service of the bank. Lastly it has been prayed that he be reinstated in the service of the bank with full back wages and all consequential benefits.

3. On the contrary the claim of the workman has been contested by the opposite party which filed a comprehensive written statement, denying the claim of the workman on variety of grounds. Tribunal do not consider it expedient to detail such grounds of the management as admitted it is the own case of the workman that he was paid daily wage basis by the opposite party bank for the work which he performed. It may also be pointed out that the workman has not mentioned breach of service conditions.

4. It may also be pointed out that in view of settled legal position of law that a daily rated employee, temporary employee or ad-hoc employee has got no right of

reinstatement against the post in public employment. In the leading case law in the case of Smt. Uma Devi, Hon'ble Supreme Court of India has held that unless any person is subjected to regular selection process he has no right to be appointed against permanent post or reinstatement against the same. Even the workman in his entire statement of claim has not pleaded breach of service conditions which were applicable upon him during the period of his employment, therefore, the provisions of the Industrial Disputes Act, 1947, would not come into play in his case unless there is pleading to the effect of breach of provisions of service regulations. From this view it is not considered to be a fit case to evaluate the oral or documentary evidence led by the parties or the workman as in that event is not going to get any benefit out of the award of the tribunal which of course is going to be answered in favour of the opposite party and against the workman.

5. There is yet another aspect of the matter that the Industrial Forums should not be used as a measure of providing back door entry in the public employment under the guise of breach of the provisions of the Act. From this point of view to the workmen cannot be held entitled for any relief as claimed by him.

6. In view of above discussions, it is held that the action of the management in terminating the services of the workman is neither illegal nor unjustified. The result is that the workman is held not entitled for any relief as claimed by him.

7. Reference is therefore answered against the workman and in favour of the bank.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1920.—आधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इटावा क्षेत्रिय ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधोगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 05/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फ. सं. एल-12012/112/1998-आई आर (बी-1)]

एन. एस. बोरा, आधिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1920.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure, in the industrial dispute between the management of

Etawah Kshetriya Gramin Bank, and their workmen, received by the Central Government on 26-6-2008

[F. No. L-12012/112/1998-IR(B-1)]

N. S. BORA, Economic Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 05 of 99

Sh. Lalit Kumar Savita

C/o Sh. O. P. Mathur

117/K 36

Sarvodaya Nagar

Kanpur

And

Etawah Kshetriya Gramin Bank

123-A Kuchehari Road

Shiv Niwas

Civil Lines

Kanpur.

AWARD

I. Central Government, MOL, New Delhi, vide notification No. L-12012/112/98-IR-B-1 dated 31-12-98 has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of Etawah Kshetriya Gramin Bank in terminating the services of Sri Lalit Kumar Savita is legal and justified? If not, to what relief the workman is entitled?”

2. Needless to mention that it would be absolutely futile exercise on the part of the tribunal to give full details of the case as a bare perusal of the reference order would go to reveal the fact that date of termination of the services of the workman has not been mentioned therein. It is settled position of law that in the absence of specific date of termination it cannot be ascertained as to whether the workman has worked for 240 days or more in a calendar year preceding the date of termination of his service or he is covered within the ambit of the provisions of section 25F of Industrial Disputes Act, 1947.

3. There is yet another aspect of the matter that if after adjudication of the reference order, the tribunal concludes that the action of the management referred to in the reference order is neither legal nor fair, then a normal question arises for consideration is as to from which date the workman should be granted relief of reinstatement. Since there is no mention of date of termination of the service of the workman in the reference order, the workman too cannot be granted any relief on this score also. Accordingly, it is held that the reference order is vague and not specific hence, the workman cannot be held entitled for the relief claimed by him and the reference order is

bound to be decided against the workman and in favour of the management.

4. Accordingly, on the basis of above discussions, it is held that the workman is not entitled for any relief as claimed by him.

5. Reference is answered accordingly against the workman and in favour of the opposite party bank.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1921.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 33/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/298/1988-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक आधिकारी

New Delhi, the 26th June, 2008

S. O. 1921.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2000 of the Central Government Industrial Tribunal-cum-Labour Court Kanpur, as shown in the Annexure, in the industrial dispute between the management of State Bank of Bikaner & Jaipur, and their workmen, received by the Central Government on 26-6-2008.

[F. No. L-12012/298/1988-IR(B-1)]

N. S. BORA, Economic Officer

ANNEXURE

**BEFORE SRI R. G. SHUKLA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, SHRAM BHAWAN, A.T.I.
CAMPUS, KANPUR.**

Industrial Dispute No. 33 of 2000

Between

Sri Ram Narain Singh,
S/o Sri Raghuraj Singh,
R/o Village Kikrampur,
Post Deokali,
Tehsil Kerakat,
District Jaunpur.

And

The Manager,
State Bank of Bikaner & Jaipur,
Muza�arnagar (U. P.)

AWARD

1. Central Government, Ministry of Labour & Employment, New Delhi, vide notification No. L-12012-298-88-IR (B-1) dated 14-2-2000, has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of State Bank of Bikaner & Jaipur in terminating the services of Sri Ram Narain Singh without giving him an opportunity for re-employment is legal and justified? If not, to what relief the said workman is entitled?”

2. A bare perusal of schedule of reference order is quite indicative of the fact that the same is defective and not properly worded in as much as after going through the same one cannot come at a definite conclusion as to whether or not denying opportunity of re-employment by the opposite party bank is retrenchment of the claimant as defined under section 2-A of Industrial Disputes Act, 1947. Therefore, for the reasons explained above, Tribunal is of the opinion that the schedule of the reference order is absolute outside the scope and ambit of the provisions of section 2-A of the Act and therefore is not a retrenchment of the claimant.

3. There is yet another aspect of the matter that no specific date of denial of opportunity for re-employment by the opposite party to the concerned claimant has been mentioned in the reference order and in case if after adjudication of the case the tribunal is of the opinion that denial of opportunity to re-employ the claimant is neither fair and proper in that situation question for consideration by the tribunal would arise as to from which date the claimant should be given relief. Therefore in the absence of the same claimant cannot be held entitled for any relief as claimed by him.

4. In view of foregoing there is no need to give full details of the case or to discuss the merit of the case as it would be futile exercise on the part of the tribunal as in that event too the claimant is not going to get any relief.

5. In the end it is held that since it is not a case of retrenchment of the claimant under the provisions of the Industrial Disputes Act, 1947, therefore, applicability of the provisions of the Act in the case of the claimant would remain silent and it cannot be held that the opposite party has breached the provisions of the Act in the case of the claimant in any manner whatsoever. So when the provisions of the Act are not applicable in his case, claimant cannot be held entitled for any relief and his claim is liable to be rejected and is accordingly rejected.

6. It is held that the action of the management of State Bank of Bikaner & Jaipur in terminating the services of the claimant without giving him an opportunity for re-employment is neither illegal nor unjustified. therefore, claimant is held entitled to no relief.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1922.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार किसान ग्रामीण बैंक प्रबंधन तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II के पंचाट (संदर्भ संख्या 86/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[सं. एल-12012/275/1995-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 86/1997) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the industrial dispute between the management of Kisan Gramin Bank, and their workmen, received by the Central Government on 26-6-2008.

[No. L-12012/275/1995-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R. N. RAI.

I.D. No. 86/1997

IN THE MATTER OF :—

She Suresh Kumar,
S/o. She Ramesh Kumar,
R/o. 36 Chhipiwara (East),
Muzzafar Nagar (UP).

Vs.

The Chairman,
Kisan Gramin Bank,
Civil Lines, Badayun PIN:243601.

AWARD

The Ministry of Labour by its letter No. L-12012/275/95-IR(B-I) Central Government Dt. 23-6-1997 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether the action of the management of Kisan Gramin Bank, Badayun in terminating the services of Sh. Suresh Kumar, Ex. Field Supervisor w.e.f. 15-11-1990 is just, fair and legal? If not, what relief he is entitled to and from what date.”

The case of the workman is that he was employed by the management as Junior Clerk/Cashier on 8-9-1981 at Civil Lines Branch at Badayun, He worked up to 10-4-1982 in that office.

That he was promoted as Field Supervisor under substantive permanent basis. He worked at the said post up to 14-11-1990 when his services were illegally terminated.

That the termination order recites reason for termination as being absent without leave by the workman from 7-8-1990. The termination order is ex-facie illegal and contrary to the just and wholesome principles of equity good conscience and justice.

That the workman at every stage verbally and in handwriting intimated to the management his inability to join duty on account of serious illness of his father. He furnished medical certificate regarding the same. He could not resume his duties as there were widespread riots in Meerut City due to which the petitioner was not able to move for duty.

The management did not deliberately give the workman adequate notice as to ensure that the petitioner was unable to appear for the alleged hearing fixed by the management.

The case of the management is that the workman has raised this dispute in 1997 whereas his services were terminated in the year 1990. He has raised this case after a long delay of seven years.

That the applicant has not availed all the remedies available to him under the relevant service rules as to redressal of the grievances. Kisan Gramin Bank is a Bank established under the provisions of Regional Rural Bank Act, 1976 and it has its own service regulation confirmed in 1985. The said regulation have statutory force of law. The petitioner had right to appeal within 30 days of his termination but he did not raise any appeal.

The final order of termination of services was passed on 14-11-1990 whereas the petitioner approached the conciliation officer on 10-5-1995 after five and half years.

The services of the petitioner has not been terminated illegally. He was found absent and he was in the habit of remaining absent unauthorisedly. The Banking Industry deals with the money of public and his unauthorised absence caused hardship to the customer of the bank so after giving a valid notice the services of the workman was terminated.

That the workman was admittedly a Supervisor. He was drawing more than 1600 wages. He is not a workman so this Tribunal has no jurisdiction to adjudicate the matter.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written

statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that his services have been terminated illegally without giving him adequate opportunity to explain the reasons of his absence. He was prevented to resume his work under unavoidable circumstances, due to illness of his father. The management has not considered this aspect of the matter.

It was submitted from the side of the management that the petitioner is not a workman as he was a Field Supervisor and this Tribunal has no jurisdiction to try his matter. He was getting more than Rs. 1600/- at the time of termination of the services.

It was further submitted that the workman remained unauthorisedly absent various occasions. The work of the bank suffered due to his unauthorized absence so after a valid notice the services of the workman were terminated.

From perusal of the appointment letter it becomes quite obvious that the workman was assigned field duty of maintaining day book etc. None was subordinate to him. He was to perform all the duties himself so the petitioner is not a supervisor by merely giving the designation of supervisor.

It becomes clear from perusal of the record that he has not been assigned any supervisory duties though he has been given nomenclature of supervisor.

It also becomes quite obvious from perusal of the record that the workman was habitual in remaining absent unauthorisedly from the job and he availed extra-ordinary leaves for 819-1/2 days before 7-8-1998. He remained absent from 7-8-1998 unauthorisedly and his applications were not accepted though there is proof that the workman sent application. The management did not find the grounds sufficient as no proof has been filed that his father was so ill that he could not resume his work or even report to duty and present for hearing on the day of the notice.

The management afforded him adequate opportunity for personal hearing. The workman received that letter but he was not present. As per the rules of service of the management no inquiry is necessary. Domestic inquiry in the instant case was not held by the management as it was admitted to the workman that he remained unauthorisedly absent from 7-8-1990 till the date of hearing i.e. 12-11-1990 for more than three months.

The workman was in the habit of remaining unauthorisedly absent and the management has given him extra-ordinary leave for 819-1/2 days prior to the absence in 1990 from 7-8-1990 to 12-11-1990.

In view of the admission regarding unauthorisedly absence of the workman, domestic inquiry was not required. The management has rightly terminated the services of the workman in view of his long unauthorized absence. The law cited by the parties are not relevant. The workman is not entitled to get any relief.

The reference is replied thus:—

The action of the management of Kisan Gramin Bank, Badayun in terminating the services of Sh. Suresh Kumar, Ex. Field Supervisor w.e.f. 15-11-1990 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 13-6-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1923.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 24/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[सं. एल-12012/94/2002-आई आर (बी-1)]

एन. एस: बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 26-6-2008.

[F. No. L-12012/94/2002-IR(B-1)]
N. S. BORA, Economic Officer

ANNEXURE

BEFORE SRI R. G SHUKLA, PRESIDING OFFICER :
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM LABOUR-COURT, SHRAM
BHIWAN,
A.T.I. CAMPUS, KANPUR

PRESIDING OFFICER, SHRI R.G SHUKLA

Industrial Dispute No. 24 of 2003

Between

Sri Babu Ram C/o O.P. Mathur
117/K/36 Sarvodaya Nagar,
Kanpur.

And

The Deputy General Manager
State Bank of India Zonal Office,
Mall Road,
Kanpur.

AWARD

1. Central Government, Ministry of Labour & Employment, New Delhi, *vide* notification No. L-120 12/94/2002/IR(B-II) dated 18-07-2003, has referred the following dispute for adjudication to this tribunal

“Whether the action of the management of State Bank of India in terminating the services of Sri Babu Ram with effect from January 1991 and thereafter not considering his name for re-employment while re-employing others including the recruitment of fresh hand is justified? If not what relief the applicant is entitled?

2. The case of the workman in short is that he was engaged on 01-03-1989 by the opposite party bank in group IV on temporary basis under the Regional Office Kanpur on full pay and allowances. The work and conduct of the workman ever remained satisfactory. The appointment of the workman was made by the Regional Manager after test and interview and after verifying the educational certificates. At the time of his engagement the workman was assured by the concerned officers of the bank that he will be made regular and permanent but instead of it they removed the services of the workman. During the period of his employment the workman performed all the work of peon and besides salary and allowances he was also paid bonus by the opposite party bank like regular and permanent employee of the opposite party. Although like a model employer the opposite party was supposed to act in accordance with the rules but they paid fewer wage, did not include the name of the workman in the muster roll, denied other facilities and had adopted a device which has been deprecated under industrial law like engaging and disengaging the workers of their choice. This practice is like an unfair labour practice on the part of the opposite party bank.

3. It has further been pleaded by the workman that the opposite party bank invited application from such temporary workman who had worked in the bank on temporary basis and in furtherance of the same the workman also submitted his application to the management bank and on the basis of the same he was called for interview and was interviewed on 18-11-1998. He was also declared successful in the said interview. The workman approached the authorities of the bank repeatedly for his regular appointment but all times he was given verbal assurance by them. It is also alleged that the opposite party did not inform to any candidate in writing about the final result of the interview. Even the opposite party did not prepare any panel of successful candidate based on the interview held

on 19-11-1991. It is further alleged that although regular and permanent work was there still the opposite party did not offer appointment to the workman. It has been also alleged by the workman that the opposite party appointed several fresh hands in their employment ignoring the workman the names of such persons are Sri Arun Kumar Mishra, Vijay Kumar, Kishan Gopal, Bhola, Devi Deen etc. The name of the workman figured in penal of selected candidates which continued till 1997. It is also the case of the workman that the opposite party has breached the provisions of Section 25F, 25G and 25H of Industrial Disputes Act, 1947. On the basis of above it has been prayed by the workman that the action of the management be declared as unjust, illegal and unfair and the workman be directed to be reinstated in service of the opposite party with full back wages, continuity of service and all consequential benefits.

4. The opposite party bank contested the claim of the workman on a variety of grounds stating that the applicant has not completed one year continuous service or more than 240 days in 12 calendar months as per Section 25B read with Sections 25F and 25H of Industrial Disputes Act, 1947, therefore the workman cannot be treated as protected employee for the purposes of Section 25F and 25H of the Act. The claim of the workman is based on misconception of law and facts. In all the workman during the period March 1989 to December 1990 had worked for 89 days only as water boy/farrash for a temporary period in exigency of service at Zonal Office Canteen. The claim made by the workman is highly belated and barred by the provisions of law of limitation and liable to be rejected on this ground. The alleged claim suffers from laches and delay of more than 12 years. Dispute of termination of service raised after lapse of 8 years by the workman concerned cannot be adjudicated and no relief can be granted to the said workman even if the termination of his service was invalid. The workman is stopped by law to raise any alleged dispute before this Hon'ble Tribunal because he has already opted for a process as per Bipartite Settlement made under Section 2(P) read with Section 18 and Rule 58 of the Industrial Disputes Act read with Rules. Thus the law of estoppels bars the workman to raise the present issue before this Tribunal and on this ground itself the claim petition is liable to be rejected. The allegations made by the workman are against the Industrial Jurisprudence because on one hand he has been seeking remedy on the basis of Bipartite Settlement and at the same time had adopted for settlement process by appearing in the interview on 19-11-1991 and after his interview his name was placed in the wait list at serial No. 93. His placement was made in the wait list to be absorbed for a post as and when arises subject to the period of limitations as per Bipartite Settlement. Thus on this ground the claim of the workman is liable to be rejected. The validity of the penal extended up to 31-03-1997 which automatically expired, therefore, the workman cannot be granted any benefit on this ground particularly when no appointment was made by the opposite party from the panel.

5. On merit, it has been alleged by the opposite party that the applicant was never selected as per recruitment rules against any regular and permanent post of group IV category. As the workman had never been appointed by the bank on regular and permanent basis therefore question of satisfactory service as claimed by him does not arise at all. The bank has also denied that the workman was ever recruited as per rules of the bank rather as stated above, the workman had worked at the Zonal Office Canteen as Water boy Farrash on purely temporary basis to meet the exigencies of service. It is wrong to alleges that the Regional Manager of the opposite party bank had ever employed the applicant. It is denied that the bonus applicable to the regular employees was ever paid to the applicant. The engagement of the applicant was not against any regular and permanent post as such question does not arise of issuing any charge sheet or warning letter to him. It is also denied that the opposite party ever indulged in Unfair Labour Practice. It is further alleged that no person placed lower to the applicant in the wait list was absorbed in the service till 31-03-1997. On the basis of the above allegations it has been prayed that the claim of the workman is devoid of merit and is liable to be rejected as disengagement of temporary employees cannot be construed to be retrenchment under the provisions of the Industrial Disputes Act, 1947.

6. The workman has filed rejoinder but therein nothing new has been pleaded except reiterating the facts already pleaded in the statement of claim.

7. The contesting parties besides adducing oral evidence in support of their claim have also adduced documentary evidence.

8. I have heard the arguments of the contesting parties at length and have also perused the record of the case carefully.

9. First of all it may be pointed out that a bare perusal of the schedule of reference order it is quite clear that there is no specific mention of the date on which it is alleged that the workman has been removed from the services of the opposite party. It is settled legal position that where specific date of termination is not found mentioned in the reference order in that case the workman cannot be granted any relief mainly for the reasons that even if the labour court or the tribunal as the case may be, is of the opinion that the action of the management in removing the services of the workman is neither legal nor just then a normal question arises for consideration as to from what date the workman be directed to be reinstated in the service of the opposite party. In the instant case even if it is held that the action of the opposite party is neither legal nor fair even then the workman cannot be granted any relief as claimed by him in as much as there is no specific mention of the date of termination of service in the schedule of reference order.

10. Now coming on merit of the case. It has been argued by the authorized representative for the workman that the workman was engaged by the Regional Manager of the opposite party after exhausting regular selection process like taking interview etc and this fact finds place in Para 1 and Para 5 of his statement of claim in which it has been mentioned that the workman was engaged as temporary group IV employee on full pay and allowances on 01-03-1989 and that besides full pay and allowance the workman was also paid bonus like other employees of the bank. But in para 7 of his statement of claim the workman has alleged that he was given less wages, he was not extended any service benefits, his name was not appearing on the muster roll etc. On the other hand it has been pleaded by the opposite party that the workman was never subjected to regular selection process and that he was engaged as Water Boy/Farrash at Zonal Office Canteen of the bank. It is also the case of the management that the workman had never rendered 240 days or more in one calendar year preceding the date of his alleged termination. This fact of the opposite party stands corroborated by the evidence of management. The evidence of the workman on this point cannot improve his case that he was appointed on regular and permanent basis by the Regional Manager of the opposite party in view of contradictory statements made by the workman himself in paragraph no. 1 and paragraph no. 7 of his statement of claim. Therefore it is held that the workman had never been appointed by the opposite party bank after holding regular selection process as per recruitment rules. It is further held that the status of the workman remained as casual employee. It is also settled legal position that casual, temporary, ad-hoc or daily rated employee has not right to claim regularization in public employment. It is also settled legal position that the courts or the tribunal should not be used a measure of generating employment through back door entry as it would oppose to Article 14 of the Constitution of India.

11. It may be pointed out that the question as to whether the workman had worked continuously 240 days or more in one calendar year preceding the date of his termination cannot be looked into for the reasons that there is no specific date mentioned in the reference order for the purposes of counting of 240 days in preceding 12 calendar months. Therefore, if the exact date of termination is wanting in the reference order, the workman himself should thank for otherwise he should have approached the appropriate government for necessary correction in this regard. Having failed to do so the workman cannot be held to be in continuous service as defined under provisions of Section 25B of the Act, therefore, he cannot be allowed the benefit of Section 25F of the Industrial Disputes Act, 1947, as claimed by him.

12. It has been argued by the authorized representative for the management that the workman has no legal right to claim appointment after select list exhausted and in support of it he has placed reliance on the following case laws—

- a. 1991 LIC 1460 SC (A) in which it has been held by the Hon'ble Supreme Court that inclusion of candidates name in the merit list does not confer any right to be selected.
- b. 1997 LIC 2913 SC (A). In this case too the Hon'ble Supreme Court of India has reiterated the law (supra).
- c. In the case of G Madhav Rao versus SBI Original jurisdiction case No. 9039 of 1997 in which it has been held that select list came to an end on 31-3-97, the petitioners are not entitled to get any relief.

13. Thus the law cited above apply with full swings to the facts and circumstances of the present case and on this score if the workman has not been given any appointment after select list expired on 31-3-97, he cannot be given any advantage of the fact that his name was in the select list nor he can lay his claim on this ground.

14. For the discussions made above, it is held that the workman has not been able to substantiate his claim for his regularization in the service of the opposite party and that the workman has also not been able to establish the fact that he had worked 240 days or more preceding 12 calendar months from the date of termination. Therefore, he cannot be granted benefit of protection of the provisions of Industrial Disputes Act, 1947, according to settled principle of law that disengagement of a temporary, casual, ad-hoc or daily rated employee cannot be construed to be retrenchment and if it has already been found above that the disengagement of the workman is not a retrenchment he cannot be held entitled for the relief claimed by him. Accordingly it is held that the workman is not entitled for any relief as claimed by him.

15. Therefore, the reference is answered against the workman and in favour of the bank.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1924.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की शारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक और इंडिया के प्रबंधितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली नं. 2 के पंचाट (संदर्भ संख्या 75/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फा. सं. पल-12012/70/1992-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1924.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.75/1992 of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the

industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 26-6-2008.

[F. No. L-12012/70/1992-IR(B-I)]
N. S. BORA, Economic Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI I.D.NO.75/1992

IN THE MATTER OF:

Smt. Shakuntla,
B-12, Gourav Apartments,
Plot No.1, I.P. Extension,
Delhi-110092.

VERSUS

The Asstt. General Manager,
State Bank of India,
Zonal Office, 11, Sansad Marg,
New Delhi- 110001.

AWARD

The Ministry of Labour by its letter No.L-12012/70/92-IR/B-3, dated 7-08-92 has referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of the management of State Bank of India in dismissing Smt. Shakuntla Sarohe, Clerk in their Connaught Circus Branch vide their order dated 3-5-91 was justified? If not, to what relief the concerned workman is entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that Smt. Shakuntla Sarohe, hereinafter referred to as workman concerned was appointed as a Clerk at Nirman Bhawan Branch of the Bank on 13-6-1979 and thereafter she was transferred from Nirman Bhawan to Connaught Circus Branch of the Bank on 30-9-1988.

That the workman concerned worked sincerely, faithfully and there was no cause of complaint of any nature while discharging her duties.

That the terms and conditions of service of the workman are governed by the provisions of Sastry/Desai Award/Bipartite Settlements in the Banking Industry from time to time.

That the workman concerned while working as a clerk at Nirman Bhawan was charge-sheeted on 7-7-89 on alleged charges of committing financial irregularities of serious nature.

That it was alleged in the said charge-sheet against the workman concerned as under:—

(i) It has been observed that while you were posted at Nirman Bhawan Branch, you intentionally altered the credit entries and enhanced the resultant balances in

your saving bank Account No.1/148 thereat in your own-handwriting with a view to withdrawing amounts fraudulently on various dates from your said account.

(ii) You have thus intentionally perpetrated the fraud at our Nirman Bhawan Branch and as a result of which your Saving Bank Account remained overdrawn from 2/1/86 to 28/1/86 and 31/1/86 to 5/6/86. The maximum amount of overdraft consequent to fraudulent withdrawal from your account was Rs.4,973.17 as on 5-6-86

(iii) On 2/9/86 you fraudulently withdrew a sum of Rs.1,000/- from your Saving Bank Account No.1/148 after initialing this withdrawal in token of having posted it in the respect ledger sheet although the same had not actually been posted in your account. This withdrawal was added in the respective day book of that date by you after it had been written and checked by the concerned officer.

That the workman concerned denied the charges leveled against her and submitted reply thereto.

That the enquiry was conducted by the Enquiry Officer. He submitted his findings and proved the charges.

That the workman concerned submitted his reply against the proposed punishment of dismissal from service vide her letter dated 16/4/91.

That the Regional Manager who is the Disciplinary Authority informed the workman vide his letter dated 3/5/91 that he finds no reason to alter the tentative decision. A copy of the said letter dated 3/5/91 is annexed to this Statement of Claim and marked as Annexure W - 2.

That the workman concerned then filed a mercy appeal vide her letter dated 19/6/91 to Shri K.C.Singha, Appellate Authority (Dy. General Manager) against the illegal, arbitrary and unwarranted order of dismissal from Bank's Service.

The Appellate Authority has stated in his order that Appellant does not merit for any leniency and rejected the mercy appeal vide his letter dated 5/10/91.

That the management has not considered the Mercy Appeal and the Appellate Authority decided the appeal with closed mind.

That the Enquiry Officer was biased and his findings are perverse and report submitted by him is based on conjectures, presumptions and surmises. Neither any documentary nor any material/oral evidence was produced by the Bank in support of the charges.

That the Enquiry Officer was in hand and glove with the Branch Representative.

That neither any document nor list of witnesses were given to the workman or to her Defence Counsel. As such, the Defence was handicapped to cross examine the witnesses.

That the report of the Investigating Officer was also not provided to the workman during the course of domestic enquiry.

That the Bank Handwriting Expert was not called in the witness box for cross examination.

That the Enquiry Officer was biased and conducted the enquiry ex-parte and no notice was served to the workman for appearing before him except on a few occasions. That the Disciplinary Authority has not applied his independent mind. More particularly when there is no monetary loss to the Bank. On account of alleged alteration of figures in the S/B Account of the workman.

The management has filed written statement. In the written statement it has been stated that the dispute raised by Smt. Shakuntala Sarohe is devoid of any merit. Smt. Sarohe while working as Clerk at Nirman Bhawan Branch of the Bank committed the act of falsification of account, criminal breach of trust and misappropriation. The banks are repositories of peoples trust. In fact, the whole edifice of the banking institution is built on cardinal principle of trust. The act of Smt. Sarohe in the instant case amounts to said breach of trust which banking institution worth its name would countenance much less view leniency without jeopardizing its interests. Therefore, it was not desirable to continue her in the services once she misused the trust.

That the dispute raised by Smt. Sarohe is also not maintainable because she was dismissed from Bank's service after holding a fair and proper enquiry. She was served with the charge sheet dated 7-7-1989. The main charges were that Smt. Sarohe, while working as clerk at Nirman Bhawan Branch of State Bank of India, taking advantage of being staff member entered the credit entries on four occasions between Dec. '85 to April '86 fraudulently in her own handwriting, in her S.B. Account maintained at the branch thereby increasing the balance by Rs.4,000/- (Rs.1,000/- in each instance) and subsequently withdrew the amount. On another occasion, she had withdraw an amount of Rs.1,000/- from her account after initialing in the withdrawal form in token of having posted in the ledger without actually doing so.

When the fraud was detected, Smt. Sarohe was placed under suspension and proceeded against departmentally. Meanwhile, she deposited the amount which she withdrew fraudulently. The enquiry was conducted fairly and properly. She was defended herself through the Deputy General Secretary of the State Bank of India Staff Association. On conclusion of the enquiry, the enquiry officer held that the charges have been proved. The Disciplinary Authority also came to the conclusion that the charges have been proved and consequently imposed on her the punishment of dismissal from service. Smt. Sarohe also filed an appeal against her dismissal, but the appellate authority also came to the conclusion that there were no reasons to alter the punishment and upheld the decision of the Disciplinary Authority.

That though the enquiry conducted is free, fair and proper, but in case this Hon'ble Tribunal holds that there is some defect in the enquiry, the bank reserves its right to lead evidence before this Hon'ble Tribunal to prove the charges.

The allegations are completely vague, ought to be rejected. There is sufficient evidence on record to prove the charges. The enquiry was conducted properly and fairly, strictly following the laid down procedure and the enquiry officer report is based solely on the evidence produced before him during the course of enquiry. The contention of the applicant that it was based on presumptions, conjectures, surmises is absolutely false. It has been established from the evidence tendered by the employees/officials at the branch handling the work of posting of vouchers, writing of day books and checking them at the material time that these alterations were made after the transactions have been duly checked. The disciplinary authority also followed the evidence independently and recorded the reasons for his conclusion in detail.

It is absolutely incorrect that the enquiry officer was hand in glove with the branch representative. This allegation is also very vague. In support of her allegation, the applicant has not given any instance that how the enquiry officer was biased in his enquiry. Thus, this allegation is also ought to be rejected.

The report of the investigating officer was not relied upon by the bank in the course of enquiry and as such the question of supplying copy thereof to the applicant or her defence counsel does not arise.

The report of the hand writing expert cannot be used solely for the purpose of proving the charges. It is only corroborating the piece of evidence. The charges against the applicant were proved by other evidences and circumstances duly proved in the course of enquiry.

The allegations made in this para are mischievous and contrary to the facts of enquiry proceedings. The enquiry officer conducted the enquiry in very fair and proper manner. Full opportunity to defend was given to the applicant. The defence counsel of the applicant who is a senior office bearer of the State Bank of India Staff Association represented her effectively on each and every date of hearing before the enquiry officer.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the Inquiry Officer was biased and his findings are perverse and report submitted by him is based on conjectures and surmises. No documents were provided to the workman or to his defence counsel. The report of the Investigating Officer was not also provided to the workman. That the handwriting expert was not cross-examined. That the Inquiry was conducted ex parte. No notice was served to the workman. No monetary loss has been caused to the bank.

It was submitted from the side of the management that inquiry was conducted fairly and properly. The workman as defended by the Dy. General Secretary, SBI Staff Association. Each of the management witnesses have been cross-examined by the defence counsel. He appeared on every date. Inquiry was concluded and the defence counsel asked to file written brief. He stated that he would not file any written brief.

The report of the handwriting expert has not been solely used for the purposes of holding charges proved. The Inquiry Officer did not rely on the report of the Investigating Officer as such copy of the same was not supplied to the defence counsel. The Inquiry Officer was not biased.

The workman has admitted in her cross-examination that she was represented during the inquiry by the Dy. General Secretary, SBI Staff Association, Mr. Ashok Mehra. She has also stated that she had never worked with Mr. Popli, the Inquiry Officer in her case. She also stated that he was no illwill enmity by any member of the management against her she has also stated as under: —

“It is incorrect that ex parte proceedings were never against her.”

From perusal of the cross-examination of the workman it becomes quite obvious that she was represented during the inquiry by Sh. Ashok Mehra. She has also admitted in her cross-examination that she never worked under Mr. Popli, the Inquiry Officer, so there is no question of any illwill of the Inquiry Officer against her. She has also admitted that the proceedings were never held ex parte against her.

The workman has further admitted in her cross-examination that the witnesses examined during the inquiry were cross-examined by her defence representative. She has also admitted in her cross-examination that money alleged to have been defrauded was deposited in the bank by her father on her behalf. She has also admitted that the amount involved/deposited was about four thousand or approximately so. It was deposited in cash. She has also admitted that the list of documents and witnesses were furnished to her during the inquiry.

From perusal of the inquiry proceedings it becomes quite obvious that Smt. Veena Thakar, Smt. Padmuni,

Shri Anand Singh Nagpal, Shri Tara Chand and Shri Patni were examined during the course of the inquiry. The handwriting expert has not been examined.

It also becomes quite obvious from perusal of the inquiry proceedings that all these witnesses have been examined by the defence counsel of the workman. It is correct that she has not been supplied the report of the Investigating Officer but the Inquiry Officer has not relied upon the preliminary investigation report so it was rightly not supplied to the workman.

The charge against the workman is that she had intentionally altered the credit entries and enhanced the resultant balance in her SB A/c. No. 1/148 in her own handwriting with a view to withdraw the amount fraudulently on various dates from her own account. Her SB A/c. remained overdrawn from 02-01-1986 to 28-01-1986 and from 31-01-1986 to 05-06-1986. The maximum amount of overdrawn consequent to fraudulent withdrawal from her account was Rs. 4973.77 on 05-06-1986. She has fraudulently withdrawn on 02-09-1986 a sum of Rs. 1000 from her SB A/s. after initialing the withdrawal in token of having posted it in the respective ledger sheet, although the same has not actually been posted in her account. She added in the respective day book of that day after it has been written and checked by the concerned officer.

From perusal of the records it becomes quite obvious that the workman had altered credit entries in her ledger sheet. Rs. 1500 on 23-12-1986, Rs. 1920 on 19-01-1986, Rs. 1052 on 03-04-1986, Rs. 1300 on 28-04-1986, Rs. 1461.83 on 02-01-1986, Rs. 2005.58 on 15-02-1986, Rs. 1137.03 on 23-04-1986, Rs. 1366.33 on 01-05-1986 and Rs. 1616.33 on 08-05-1986 has been altered credit by the workman in her ledger and withdrew the amount fraudulently on the dates she enhanced credit entry in her ledger.

The workman has admitted that her father deposited the entire amount fraudulently withdrawn on her behalf.

It is not denied that A/c. No. 1/148 is not her SB Account. All the credit entries have been made by her in the ledger and she has withdrawn fraudulently the entire altered credit amount herself by fraudulent withdrawals.

In the circumstances of the case no further evidence is required as the workman is Account holder and false credit entries has been made in the concerned ledger of her account and she had fraudulently withdrawn the money.

From perusal of the inquiry report it becomes quite obvious that the Inquiry Officer has relied upon the circumstantial evidence as well as evidence of the witnesses.

It is not the case of the workman that somebody else altered the credit entry in her account and fraudulently withdrew the money. The money was fraudulently

withdrawn by the workman when it was detected she had made good the loss. There is no substance in the argument that no loss has been caused to the bank.

From perusal of the inquiry report it becomes quite obvious that all the witnesses have been cross-examined by the defence counsel of the workman. Questions were put to the witnesses in the presence of the defence counsel of the workman and they have been cross-examined by him. Inquiry has been concluded by the Inquiry Officer after obtaining the consent of the defence counsel and the P.O. The defence counsel has stated that they would not give any brief in support of defence. As such opportunity to the workman for adducing defence evidence has been given.

It is true that the handwriting expert has not been examined but the Inquiry Officer has not based his findings on the report of the handwriting expert. The DA & AA has not also based their findings on the report of the handwriting expert. The report of the preliminary Investigation Officer has not been relied upon by the Inquiry Officer or by the DA or AA.

“It has been held that in a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no anergy to hearsay evidence provided if has reasonable nexus and credibility. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act.”

The sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record.

It has been held in 1972 (25) FLR 45 as under:—

“An Industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence.

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under:—

“It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusion cannot be that of a reasonable man.”

From perusal of this Judgment it becomes quite obvious that the Tribunal can interfere with the findings of the Enquiry Officer in case it is perverse. The Enquiry Officer has based his findings on oral as well as documentary evidence. It cannot be said that there is absolute absence of any evidence in support of the findings of the Enquiry Officer. Six witnesses have been examined by the management. They have been cross-examined by the defence counsel. The alteration in the credit entry column is of the account of the workman. The money of enhanced credit entry has been withdrawn by the workman. The inquiry is fair and proper. Principles of natural justice have been observed.

The punishment imposed on the workman is neither dis-proportionate nor shocking to the conscience of the Court. It is true that there is embezzlement of only Rs. 4000 but the workman has made false entries in the ledger of her account on several times and she has withdrawn the money by withdrawal vouchers herself from her account, so she has committed grave misconduct of making false entries in the ledger of her account and subsequently withdrawing that amount on several occasions. She has committed grave misconduct of de-frauding the bank and acting fraudulently and forging the register.

The reference is replied thus :—

The action of the management of State Bank of India in dismissing Smt. Shakuntla Sarohe, Clerk in their Connaught Circus Branch vide their order dated 3-5-1991 was justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 9-6-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 26 जून, 2008

का.आ. 1925.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्डन ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली सं.-2, के पंचाट (संदर्भ संख्या 39/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[सं. एल-12012/81/1997-आई आर (बी-1)]

एन. एस. बोरा, आधिक अधिकारी

New Delhi, the 26th June, 2008

S.O. 1925.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/1998) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Hindon Gramin Bank and their workmen,

which was received by the Central Government on 26-6-2008.

[No. L-12012/81/1997-IR (B-I)]

N. S. BORA, Economic Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R. N. RAI I. D. NO. 39/1998
IN THE MATTER OF:

Sh. Raj Kumar Giri,
C/o. Hindon Gramin Bank,
Kali Nadi Road,
Distt. Bulandshahar - 203 001,
Uttar Pradesh

—Claimant

VERSUS
The Chairman,
Hindon Gramin Bank,
Head Office R-6/27,
Raj Nagar,
Ghaziabad - 201 001 (UP)
—Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/81/97-IR(B-I) Central Government Dt. 3-2-1998 has referred the following point for adjudication:

The point runs as hereunder :—

“Whether the action of the management of Hindon Gramin Bank in imposing the punishment of stoppage of three increment with cumulative effect and disentitling Sh. Raj Kumar Giri to the wages during the period of suspension except subsistence allowance is just, fair and legal? If not, to what relief he is entitled to and from what date?”

The case of the workman is that an illegal charge-sheet dated 8-3-1993 and 3-2-1993 was served on him. He replied to the charge-sheet but the management held Inquiry.

The workman has assailed the inquiry on the ground of non-production of many documents, denial of defence, withholding of material witnesses, arbitrarily change of the venue of the inquiry, non-examination of handwriting expert, delay in conducting inquiry and serving charge-sheet.

The following charges have been levelled against the workman:—

1. The first part of the charge sheet that Sh. Giri got the thumb impressions/signatures of borrowers affixed on the loan documents and the withdrawal forms (Rs.13,000 each) but

instead of making payment to the seller paid Rs. 7500 each to the borrower and misappropriated Rs. 5500 in connivance with the officiating Manager, Sh. Ajay Kumar.

2. Sh. Giri prepared 4 Pay Orders on 19-05-1992 with S1. No. 189680/29/92 for Rs. 52,000, 189682/31/92 for Rs. 26,000, 189683/32/92 for Rs. 26,000 & 189683/33/92 for Rs. 26,000 in the name of fake supplier Sh. Mukesh Village, Pachpera, Distt. Meerut. He made the payment of these pay orders on 21-5-1992 to Sh. Ajay Kumar, Officiating Manager who himself did the signatures of Mukesh on the back of these Pay Orders. Thereafter, in connivance with Sh. Ajay Kumar paid Rs. 76,200 in cash to the borrowers and misappropriated Rs. 53,800 for personal benefits.

3. On 05-05-1992, Sh. Giri in connivance with Officiating Manager, Sh. Ajay Kumar prepared huiyas of buffalos in the loan documents mentioned in the charge-sheet, made the signatures of supplier on the revenue receipts prepared Pay Orders in the name of fake supplier Sh. Khalil, himself made signatures of Sh. Khalil on the back of these Pay Orders, got these Pay Orders passed from the Officiating Manager, Sh. Ajay Kumar and with the connivance of Sh. Ajay Kumar got the payment of these Pay Orders and as per detail given in the charge-sheet paid Rs. 1,00,500 to the borrowers in connivance with Sh. Ajay Kumar and kept Rs. 68,500 with himself along with Sh. Ajay Kumar, Officiating Manager. This way Sh. Giri in connivance with Officiating Manager, Sh. Ajay Kumar defrauded the bank and misappropriated Rs. 68,000. In addition to this due to the preparation of fake huiyas by Sh. Giri assets could not be purchased and handed over to the borrowers. Due to this the recovery of bank loans of Rs. 1,04,000 is not possible.

4. Sh. Giri by getting the fake thumb impression affixed on the loan documents of Sh. Dhanno Singh, S/o. Sh. Jumma Singh, Village: Ubarpur, P.O.: Bhatiyana (Ghaziabad) became partner in disbursing fake loan and without selling any buffalo deposited this loan amount in the account of seller/supplier, Sh. Ram Singh and in connivance with Sh. Ajay Kumar, Officiating Manager misappropriated bank loan of Rs. 8,000 and subsidy of Rs. 5,000 and defrauded the bank.

5. On 26-05-1992 one borrower, Smt. Ram Nandi, W/o. Sh. Ganga Saran gave Sh. Giri Rs. 658 to

be deposited in the loan A/c. No. 177/92, Shri Giri received the money and issued receipt for this amount but did not deposit this amount in the loan account and kept this amount with himself and misappropriated this amount.

The case of the management is that the workman embezzled several loan amounts on preparing false documents. Detailed inquiry was held. He was served charge-sheet regarding all the embezzlements in detail in Hindi. The charges were amended and amended charge-sheet was supplied to the workman. All the documents were made available to the workman.

The workman was afforded opportunity to cross-examination the witnesses and he was given opportunity to adduce defence evidence.

The DA issued pre-decisional show cause notice / proposed punishment and passed the order after considering his reply. Principles of natural justice have been followed. The punishment imposed on the workman is neither harsh nor dis-proportionate. The Inquiry is fair and valid.

It has been alleged that due to fake signatures an amount of Rs. 1,04,000 would not be recovered. It has also been alleged that the workman in collusion with the Officiating Manager, Sh. Ajay Kumar caused loss of Rs. 1,69,000 and the CSE in collusion with the Officiating Manager, Sh. Ajay Kumar embezzled the amount.

That another charge-sheet was served on 03-02-1993. The management has obtained explanation of the workman and after considering the explanation charge-sheet has been served on the workman.

That the Inquiry Officer was appointed to conduct the inquiry. The workman participated with his DR and cross-examined all the witness of the management. However, the handwriting expert has not been examined.

That the Inquiry Officer found the Charge No. 1, 2 & 3 proved and Charge No. 4 not proved. The DA held the 1st part of the charge No. 1 proved and the other charges not proved.

The workman has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that copies of all the documents were not supplied to him. He was not permitted to adduce his defence evidence. The

management withheld the material witnesses. The venue was changed arbitrarily and handwriting expert was not examined. There was abnormal and un-reasonable delay in completing the inquiry and submitting the report. Written brief of the management was not supplied to the workman.

It was submitted from the side of the management that the Inquiry Officer has stated in his evidence that he supplied the written brief of the management to the CSE. All the material documents were supplied to the workman prior to the conduct of the inquiry. No material witness has been withheld by the management. The workman was given adequate opportunity to adduce evidence in his defence but he did not adduce any evidence. The venue of the inquiry was changed with the consent of the workman. There was no abnormal or un-reasonable delay in completing the inquiry and serving the charge-sheet and in disposing of the appeal of the CSE.

From perusal of the inquiry proceedings it becomes quite obvious that the management examined 4 witnesses during the course of the inquiry and the workman has cross-examined all the witnesses. The workman has been afforded opportunity to adduce evidence in his defence. Written brief of the management has been supplied to the CSE. The DA & AA has considered the representation of the CSE while awarding the punishment.

From perusal of the inquiry proceedings it becomes quite obvious that Charge No. 1 is regarding payment of less money to Smt. Kishno Devi, W/o. Sh. Ram Kisan after obtaining her thumb impression on the loan form. She was paid Rs. 7,500 and Rs. 5500 has been embezzled by the CSE in collusion with the Officiating Manager, Sh. Ajay Kumar. Smt. Kishno Devi has been examined during the course of inquiry. She has stated that she was threatened not to participate in the inquiry. She has stated that the CSE obtained the thumb impression and paid her Rs. 7500 whereas sanctioned loan was for Rs. 13000. The CSE did not pay her the entire amount and has embezzled the amount of Rs. 5500. There is mention in Charge No. 1 regarding embezzlement of the other borrowers but the management has not examined the other witnesses. Smt. Kishno Devi has been examined by the management. She has been examined by the DR of the CSE, so. So far as charge No. 1 regarding embezzlement of Rs. 5500 is concerned, it has been amply proved by the evidence of Smt. Kishno Devi. No further evidence is required.

The Inquiry Officer has held Charge No. 1 proved. The DA held the 1st part of the Charge No. 1 proved.

The second part of the charge concerned is based on the opinion of the handwriting expert. The handwriting expert has not been examined, so the other part of the charge has been illegally held to be proved as it suffers from infirmity of non-examination of the handwriting expert and denial of opportunity to cross-examine the handwriting expert.

The Inquiry Officer has found this charge proved as the address of the firm through which the payment was made was found fake. The CSE has not denied that he has not filled up the form. His only case is that he acted according to the instructions of the Manager, Sh. Ajay Kumar, so the other part may not be found proved.

Charge No. 2 relates to preparation of 4 Pay Orders on 19-05-1995 for Rs. 52,000/-, Rs. 26,000/- Rs. 26,000/- & Rs. 26,000 in the name of fake supplier Sh. Mukesh, Vill. Pachpera, Distt. Meerut. The signatures of Sh. Mukesh Kumar was made by Sh. Ajay Kumar, Manager himself and out of the entire amount an amount of Rs. 53,800 has been embezzled by the CSE in collusion with Sh. Ajay Kumar, Officiating Manager.

Regarding this charge the management has examined 3 witnesses. Sh. Ganga Ram S/o. Sohan Lal, Sh. Hira S/o. Deewan and Shri Niranian Singh S/o. Jeet Singh of village Barara.

In the report of the handwriting expert opinion has been given that Sh. Ajay Kumar, Officiating Manager forged the signatures of Sh. Mukesh Kumar and the Gram Pradhan has also certified that Sh. Mukesh Kumar was fictitious supplier.

The witnesses have deposed that the documents were executed in the village and payment in cash was made to the concerned persons and less Rs. 53,800/- and the amount of Rs. 53,800/- was embezzled by the CSE in collusion with the Officiating Manager, Sh. Ajay Kumar.

The witnesses have been cross-examined by the DR of the CSE.

It is proved by the statement of the witnesses are certificate of the Gram Pradhan that Mukesh was a fictitious supplier and his signature was forged by the Branch Manager. All the forms were filled up in the village. The forged signature was of Sh. Mukesh, the fictitious supplier, was made.

From perusal of the statement of the witnesses it becomes quite obvious that the Manager forged the signature of Sh. Mukesh Kumar on the back of the pay orders and less amount was paid to the 4 concerned borrowers. The CSE has not been able to prove in the court that Sh. Mukesh was not a fictitious person. If Sh. Mukesh Kumar was the genuine person he could have adduced evidence regarding the same. As such Sh. Mukesh Kumar was a fictitious person. Pay Orders were prepared by the CSE in the name of fictitious supplier Sh. Mukesh and the borrowers were not paid the entire amount. The amount of Rs. 53,800/- was embezzled by the CSE.

The Charge No. 3 is regarding embezzlement of Rs. 68,500/- and loss to the bank has been caused

Rs. 1,04,000 but the Inquiry Officer has based his findings on the report of the handwriting expert. The handwriting expert has not been examined so the charges cannot be said to be proved.

Charge No. 4 & 5 have not been found proved either by the Inquiry Officer or by the DA. The CSE has admitted in cross-examination that he was supplied copies of the documents. He was allowed inspection of the record. Only documents supplied to him were relied by the management. Sh. Ram Singh was his defence representative. He was given opportunity to cross-examine the witnesses but handwriting expert was not produced. He requested for production of the handwriting expert. He was also given intimation of the change of the venue by the Inquiry Officer.

Therefore, from the cross-examination of the workman it becomes quite obvious that he participated fully in the inquiry to cross-examine the witnesses and he was given opportunity to adduce evidence. The venue was changed after intimation to him. Delay in submitting the charge-sheet and in concluding the inquiry has not caused any prejudice to the workman.

In a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility.

It has been held by the Hon'ble Supreme Court that the sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record.

It has been held in 1972 (25) FLR 45 as under:—

"An Industrial Tribunal would not be justified characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence."

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under:—

"It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the

materials, the conclusion cannot be that of a reasonable man."

From perusal of this judgment it becomes quite obvious that the Tribunal can interfere with the findings of the Enquiry Officer in case it is perverse. The Enquiry Officer has based his findings on oral as well as documentary evidence. It cannot be said that there is absolute absence of any evidence in support of the findings of the Inquiry Officer.

There is direct evidence on the first part of Charge No. 1 of Smt. Kishno Devi as such first part of the Charge No. 1 has been rightly found proved by the Inquiry Officer as well as by the DA. There is direct evidence on charge No. 2 also. The management has examined 3 witnesses. Certificate issued by Gram Pradhan establishes that Sh. Mukesh was fictitious supplier. The signature of Sh. Mukesh was forged by Sh. Ajay Kumar, Officiating Manager in presence of the CSE, so Charge No. 2 has rightly been held proved by the Inquiry Officer and wrongly disproved by the DA.

So far as Charge Nos. 3, 4 & 5 are concerned Charge No. 3 is based on the report of the handwriting expert. He has not been examined. Charge No. 4 & 5 have not been found proved by the Inquiry Officer and DA.

From perusal of the inquiry proceedings it becomes quite obvious that there is adequate and direct evidence to hold the charges proved without evidence of the handwriting expert. The findings of Charge No. 1 and 2 are not based on the report of the handwriting expert but on oral evidence of 4 witnesses, so the CSE cannot get any advantage of non-examination of the handwriting expert. The CSE along in collusion with Sh. Ajay Kumar, Officiating Manager had defrauded the borrowers and has caused heavy loss to the bank. As such the punishment imposed on the workman is neither harsh nor disproportionate. The DA has imposed lesser punishment than the workman deserved. In view of the preparation of the forged documents and defrauding the borrowers and embezzling heavy amount, the workman deserved dismissal.

The reference is replied thus:—

The action of the management of Hindon Gramin Bank in imposing the punishment of stoppage of three increments with cumulative effect and disentitling Sh. Raj Kumar Giri to the wages during the period of suspension except subsistence allowance is just, fair and legal. The workman-applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 10-06-2008.

R. N. RAI, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली नं. 2 के पंचाट (संदर्भ संख्या 42/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/303/1995-आई आर (बी-1)]

एन. एस. बोरा, आधिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1926.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 42/1997 of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 26-6-2008.

[F. No. L-12012/303/1995-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding officer : R. N. RAI I. D. No. 42/1997

IN THE MATTER OF:

Sh. Nar Bahadur Thapa,
C/o. Sh. J.N. Kapoor,
Bank Enclave, Ring Road,
Rajouri Garden,
New Delhi - 110 027 — Claimant

VERSUS

The Assistant General Manager,
SBI, 11, Parliament Street,
New Delhi - 110 001. — Respondent

AWARD

The Ministry of Labour by its letter No. L-12012/303/95 IR(B-I) Central Government dt. 26-03-1997 has referred the following point for adjudication :

The point runs as hereunder:

“Whether the action of the management of SBI, In terminating the services of Sh. Nar Bahadur Thapa, Daily Wager by not empanelling him as per agreement dated

17-11-1987 modified on 16-07-1988, circular PER/135 of 1991 and 07-08-1991 is justified and legal? If not, to what relief the workman is entitled to and since what date.”

The case of the workman is that he worked for 70 days at Mehrauli Branch at SBI as Messenger. His services were terminated without any written order and without any notice.

That the workman has filed conveyance bill dated 3-2-1988 paid to the workman from going to R.K. Puram Branch of Rs. 12.80 and conveyance bill dated 05-02-1988 paid to the workman for going to R.K. Puram Branch.

That the workman submitted application for permanent absorption in the bank on the basis of the advertisement given by the bank but his name was deleted from the interview list for unjustified reasons without informing the workman. All the workmen who have worked for 30 days have been absorbed.

The case of the management is that the bank entered into an agreement with All India State Bank of India Staff Federation for absorption of various personnel who have rendered temporary service or were engaged as casual labours in the bank vide agreement dated 17-11-1987 duly modified by agreement dated 16-07-1988. In pursuance of that the bank made publications in various newspapers on 01-05-1991 inviting applications from these persons for empanelling them for absorption in the bank provided they fulfil the various eligibility criteria as laid down in the agreement. One of the terms of the said agreement was that the persons who failed to apply for being given a chance for permanent appointment in the bank's service within the period specified by the bank, would fall under non-eligibility category. Sh. Thapa, who did not submit any application in response to bank's advertisement is not eligible to claim employment in the bank. On this ground alone, his claim is liable to be dismissed.

The certificate issued by the Branch does not in any way prove that Sh. Thapa was appointed in the bank. As explained earlier, the Branch Manager of SBI has no authority to appoint any person.

That it is submitted that the Branch may have requested Sh. Thapa to do certain work as he may have been available at the Branch but payment of conveyance for that purpose does not give right to Sh. Thapa for permanent absorption in the bank. However, the documents annexed “C” & “D” are denied.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

From perusal of the order-sheet it appears that the case was posted for arguments on 07-04-2008. The workman sought adjournment. On 07-05-2008, the workman was not present. On 05-06-2008, the workman was not present. The management was heard. None was

present on 12-06-2008. None is present till date. The management has filed written brief on 28-07-2007.

It was submitted from the side of the workman that he was engaged for 70 days from 13-12-1987 to 07-04-1988. In view of the letter dated 25-05-1991, temporary employees who have worked from 01-07-1975 to 31-07-1988 are to be given chance for absorption in the bank service. The workman has filed application, but his application was not considered and his name was deleted from the list.

It was submitted from the side of the management that the workman did not apply for absorption in view of the publications in various newspapers on 01-05-1991 empaneling them for absorption.

One of the eligibility criteria was that the workman should apply. In case application is not filed within the period specified, the workman will fall under non-eligibility category. Sh. Thapa did not file any application, so his case was not considered.

It becomes quite obvious from perusal of the record that the workman has signed the claim statement but he has not filed any affidavit in support of his claim. His AR has filed affidavit and he has been cross-examined.

The Branch Manager who has given certificate regarding work has been examined and he has stated that the certificate has been given to him as he used to fetch water, when water supply was dis-connected by the Landlord.

The workman worked for fetching water to the bank. He did not work as temporary Messenger or Peon.

The Branch Manager also stated that he gave certificate so that the workman may get job somewhere else. The workman has filed two photocopy documents which indicate that payment to him has been made for fetching water. The workman has filed also two photocopies of conveyance bill of only one date i.e. 03-02-1988. He has filed photocopy document dated 11-04-1988 which proves that he has filled up nine buckets for water for Rs. 2/- . The workman has not filed any other document to show that he was employed in the bank as Messenger or Peon. He has not appeared in the witness box, so that it could be ascertained as to what duties the workman performed. According to the documents other than the certificate of Branch Manager the workman has worked on two dates for fetching water. There is no proof that the workman has applied for the post.

Interview was taken in the year 1991 and all the temporary employees were absorbed but the workman has raised this case in 1997 after a gap of six years. This indicates that the workman was employed elsewhere or he has not worked with the bank. There is no proof of any application of the workman filed in the bank.

He has not appeared for evidence and claim statement of the workman cannot be held proved on the evidence of his authorized representative.

My attention was drawn to Nadungadi Bank Limited Vs. K.P. Madhavankutty as under:

“Law does not prescribe any time limit for the appropriate Government to exercise its powers under section 10 of the ID Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under section 10 of the ID Act. As to when a dispute can be said to be stale would depend on the facts and circumstance of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made.

It has been held by the Hon'ble Apex Court that no industrial dispute existed or could be even said to have been apprehended with Central Government exercised powers in this case after a lapse of about seven years.

In the instant case the workman has raised this dispute in the year 1997 after a delay of six years. Thus, the reference itself sent by the Government in view of the law laid down by the Hon'ble Apex Court is barred by delay.

It has been held in 1993 AIR SCW 2224 that the delay would certainly be fatal if it has resulted in material evidence relevant to the contention is lost and not rendered available. Lapse of time results in losing the remedy and right as well.

It has been also held in this case that case filed after delay of 7—9 years should not be entertained.

It has been held in MANU / SC / 0140/ 1959 that merely because the industrial dispute does not provide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation for reference of disputes to an industrial tribunal even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale.

In the instant case the workman has raised dispute after long delay of six years. He has not given satisfactory explanation for this extra-ordinary delay. There is no

explanation worth the name in the claim statement as to what prevented the workman to raise the dispute earlier. The workmen kept silent from 1987 and raised this matter in 1997.

The workman has raised this dispute after delay of seven years. He has not examined himself in this case to prove his working days. It is not established that he did any work other than fetching water on two dates. The Branch Manager may have issued certificate in collusion with the workman so that he may get job. The workman has concealed material evidence by not producing himself in witness box. It is settled law that in such adverse inference is drawn.

There is delay of seven years and in the light of the law laid down by the Hon'ble Apex Court. The reference itself is not maintainable.

The reference is replied thus: -

The action of the management of SBI, in terminating the services of Sh. Nar Bahadur Thapa, Daily Wager by not empanelling him as per agreement dated 17-11-1987 modified on 16-07-1988, circular PER/135 of 1991 and 07-08-1991 is justified and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 20-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1927—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ नं.-2 के पंचाट (संदर्भ संख्या 1304/2 K 8) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12011/11/2006-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1927.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1304/2 K 8) of the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh, as shown in the Annexure, in the industrial dispute between the management of State Bank of Patiala, and their workmen, received by the Central Government on 26-6-2008.

[F. No. L-12011/11/2006-IR(B-1)]

N. S. BORA, Economic Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

Presiding officer : Shri Kuldip Singh

CASE I. D. No. 1304/2K8

Registered on: 04-05-2007

Date of Decision: 05-06-2008

General Secretary,
State Bank of Patiala Staff Union,
Punjab State
C/o State Bank of Patiala,
Branch office,
Kikar Bazar,
Bathinda(Punjab).
...Petitioner

Versus

The General Manager(OP),
State Bank of Patiala,
Head Office,
The Mall, Patiala.
... Respondent

APPEARANCE

For the Workman Mr. Chanderdeep Singh,
Advocate.

For the Management Mr. S.K.Gupta, Advocate.

AWARD

The Ministry of Labour, Government of India, New Delhi, referred the following dispute for the adjudication of the Tribunal vide their No L- 12011/11/2006-IR(B-1) dated 1st of March, 2007:

“Whether the action of the management of State Bank of Patiala in transferring the services of Shri V.M.Sood, stenographer from H.O to B.O Patran amounts to violations of schedule III of 8th Bipartite settlement is illegal and unjustified? If so, to what relief he is entitled to?”

In response to the notice issued the parties appeared through their counsel. The workman filed his claim in the shape of rejoinder. The management made an application requesting for dismissing the reference since the workman has not filed the statement of claim. The workman, through his counsel, sought time to file the statement of claim and despite getting four opportunities he has not file the same. Today he has submitted in writing, through his counsel, that he withdraws from the case with permission and reserves his right to raise the same again if need be. This shows that the workman is not interested to prosecute his case. On record there is neither the statement of claim of the workman nor any evidence to show that the management has transferred the workman from Headquarter

or on the date on which he is deemed to have retired shall qualify for pension.”

Rule 15, which is relating to the commencement of qualifying service of the said rules, reads as under:—

“Subject to the provisions contained in these regulations, qualifying service of an employee shall commence from the date he takes charge of the post to which he is first appointed on a permanent basis.”

On the plain reading of these rules, it is evident that the qualifying service of 10 years shall commence from the date the workman takes charge of the post to which he is first appointed on permanent basis. On the basis of this provision, the Management has refused the pensionary benefits to the workman. Learned counsel for the workman has relied upon a case law published in 2006 (3) herald (Punjab and Haryana High Court) DB2 185, Smt. Govindi Devi versus Haryana Vidyut Prasaran Nigam Limited and Others.

In this judgment Hon'ble the Division Bench of Punjab and Haryana High Court has relied the law laid down in Full Bench of the Punjab and Haryana High Court published in Kesar Chand Versus State of Punjab 1988(5) SLR-25. In Kesar Chand's Case (supra) Hon'ble the Punjab and Haryana High Court has held as under:—

“Once the services of a work-charged employee have been regularized, there appears to be hardly any logic to deprive him of the pensionary benefits as are available to other public servants under Rule 3.17 of the Rules. Equal protection of laws must mean the protection of equal laws for all persons similarly situated. Article 14 strikes at arbitrariness because a provision which is arbitrary involves the negation of equality. Even the temporary or officiating service under the State Government has to be reckoned for determining the qualifying service. It looks to be illogical that the period of service spent by an employee in a work-charged establishment before his regularization has not been taken into consideration for determining his qualifying service. The classification which is sought to be made among Government servants who are eligible for pension and those who started as work-charged employees and their service regularized subsequently, and the other is not based on any intelligible criteria and, therefore, is not sustainable at law. After the services of a work-charged employee have been regularized, he is a public servant like any other servant. To deprive him of the pension is not only unjust and inequitable but is hit by the vice of arbitrariness and for these reasons the provisions of sub-rule (ii) of Rule 3.17 of the Rules have to be struck down being violative of Article 14 of the Constitution.”

Thus, on the basis of the observation made by the Hon'ble the Division Bench of Punjab and Haryana High Court, it is clear that when on 01-08-1989 the workman was permanently absorbed into service as Peon-cum-Frash, there appears to be hardly any logic to deprive him of the

pensionary benefits as are available to other Public Servants. As per the principle laid down by Hon'ble the Punjab and Haryana High Court in Kesar Singh's case (supra) even the temporary or officiating service under the State Government has to be reckoned for determining qualifying service. After the services of the work charged employee have been regularized, he is a public servant like any other servant.

On the basis of the above observation and law laid down by the Hon'ble High Court in Kesar Singh's case (supra), I am of the view that the workman is entitled for the pensionary benefits because if the period of service in temporary nature is calculated into the service rendered by the workman after his permanent absorption in the service, it is much more than 10 years of qualifying service. There is no dispute on this point that the workman has opted for the pensionary benefits during his service time. The workman is accordingly entitled for the pensionary benefits and the action of the Management denying him for the pensionary benefits is not justified. Accordingly, the reference is answered in negative that the action of Management of State Bank of Patiala in denying the pensionary benefits to Shri Sagli Ram S/o Shri Nand Lal even after rendering 10 years' regular service is not justified and the workman is entitled for the pensionary benefits. The workman has also claimed 24% interest on the delayed payment and the cost of the litigation. Abnormal delay has been caused in providing the pensionary benefits to the workman. A reasonable delay can be tolerated but for unreasonable delay the workman is entitled for an interest at the rate of 8% per annum (equal to the interest available to the public servants on their Provident Fund) on the entire pension. This reference is disposed of accordingly. Central Government be informed. Consign the record.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1929—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण चण्डीगढ़ नं.-1 के पंचाट (संदर्भ संख्या 133/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/284/1995-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1929.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 133/1997 of the Central Government Industrial Tribunal-

cum-Labour Court-I, Chandigarh, as shown in the Annexure, in the industrial dispute between the management of State Bank of Patiala, and their workmen, received by the Central Government on 26-6-2008.

[F. No. L- 12012/284/1995-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case-I.D. No. 133/97

General Secretary,
Indian National Bank,
Employees Federation
H.No. 1304, Sector 23-B,
ChandigarhApplicant

Versus

General Manager,
State Bank of Patiala,
Mail Road,
Patiala 147001Respondent

APPEARANCES

For the workman: Raj Kaushik
For the management: N.K. Zakhmi

AWARD

Passed on 16-6-2008

The Government of India vide order No. L-12012/284/95 IR(B-I) dated 23-06-97, refers this industrial dispute for judicial adjudication on account of failure of conciliation proceedings in the office of Conciliation Officer. The reference which was referred for judicial adjudication is:—

“Whether the action of the management of State Bank of Patiala in terminating the services of Shri Bhajan Das temporary Peon W.e.f. 30-10-86 is legal and justified? If not to what relief the concerned workman is entitled and from what date?”

I have gone through the statement of claim of the workman and the written statement of the Management. Admittedly, the workman has worked for less than 240 days in the preceding year to the date of his termination. It is further admitted that the workman was also given an opportunity to appear before the Interview Board for the purpose of recruitment of suitable candidates. The main dispute which is agitated by the workman is that he was terminated from the service under the circumstances which

will be termed as unlawful labour practice by the management and has requested for declaration that the action of the Management in terminating him be declared illegal and the interview conducted in the year 1991, be declared void because the work to which the workman was appointed existed even after his termination.

I have also gone through the evidence adduced by the parties.

The main question for determination before this Tribunal is whether the relief claimed by the workman under the reference can be granted? The reference is regarding the termination order of the workman and in the statement of claim the workman has prayed, that the action of the Management be declared null and void and likewise, interviews held by the Management be also declared void.

It is also agitated before this Tribunal that this reference is time barred as the workman has served the Management intermittently in the year 1986 whereas, the present demand notice was raised in the year 1995 after a period of 9 years. No valid or cogent reason has been indicated for raising the dispute at this belated stage.

I have heard learned counsel for the parties. Learned counsel for the workman has submitted that the workman has not worked 240 days in any of the proceeding year from the date of his termination, but the way he was terminated, amounting to the unlawful labour practice and the action of the Management on this ground only should be declared null and void. Learned counsel for the workman has relied upon the case law published in 2000 (1) Labour and Service Judicial Reports-262, Workman of Karnataka Government, Insurance Department versus Presiding Officer, Principle Industrial Tribunal and Others.

In this case Hon'ble the Karnataka High Court has held that industrial dispute between the parties would exist until it is adjudicated on merits either by the Labour Court or the Tribunal.

Learned counsel for the workman has also relied upon the law of Hon'ble the Apex Court published in 2007, LLR-674, State of Punjab versus Anil Kumar. In this case Hon'ble the Apex Court has held that where a workman approaches Labour Court after 13 years of termination, he should not be held entitled to back wages even if he was found entitled to reinstatement. I have gone through the entire judgment of this case. For the period of 13 years, which is mentioned by the Hon'ble Apex Court, the parties had been under the litigation either before one forum or another. Moreover, Hon'ble the Apex Court has not held in this case whether 13 years' period should be treated as time barred? Hon'ble the Apex Court has only held that where the workman approaches the Labour Court after 13 years of his termination he should not be held entitled for the back wages. This case law is on the entitlement of back wages and not on period of limitation. Accordingly, this case law is not applicable in the instant case.

Learned counsel for the workman has also relied upon the judgment published in 1998(J) RSJ, Punjab and Haryana High Court DB-703 Bhikku Ram versus Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak. The principles laid down in this case will not be applied in the instant case because the facts of both of the cases are entirely different. In Bhikku Ram's case (*supra*) the workman has completed the work of 3 years whereas in the instant case, the workman has not worked for 240 days.

Learned counsel for the workman has further relied on judgment of Punjab and Haryana High Court published in 2001(3) RSJ 539, Mukesh Kumar versus Presiding Officer and Another. This judgment is relating to the interpretation of Section 2(RA), unfair labour practice. I have also gone through the entire judgment.

Learned counsel for the Management has stated that the workman has not worked for 240 days and accordingly, is not entitled for any relief. Learned counsel for the Management has also argued that the reference is barred by limitation as the notice of demand was given after 9 years of his termination. It has also been argued that there is no unfair labour practice because the workman was provided the opportunity to appear before the Interview Board but he was not selected by the Interview Board. Learned counsel for the Management has relied upon the case laws published in.

2008(1)SCT142 Punjab and Haryana High Court (DB) Puran Chand versus Presiding Officer and Another. In this case Hon'ble the Punjab and Haryana High Court has held that where the industrial disputes was raised after 8½ years of the termination from the service, reference becomes stale and the writ also suffers from delay and laches.

Learned counsel for the management has also relied on the judgment published in 2005(1) LLJ 1993 Union of India and Others versus Hangu. In this case, Hon'ble the Madras High Court has held that if the appointment of any workman is not against the sanctioned post, his termination cannot be held to be illegal, even if the workman has worked for more than 240 days as their initial entry is unauthorized and not against the sanctioned posts.

In the case of Himanshu Kumar Vidhyarthi and Others versus State of Bihar, 1998(II)LLJ 29, Hon'ble the Apex Court of India has held that when appointments are in conformity with the statutory rules, the concept of industry to that extent stands excluded, and the disengagement from the service of temporary employees on daily wages cannot be construed as retrenchment. On going through the entire case laws which have been relied upon by both of the parties and entire evidence on record, I am of the view that the workman has not worked for 240 days. Moreover, he was appointed on the temporary basis

and was disengaged. He is not entitled for the protection of the provisions of Section 25-F of the Act. Moreover, it is the admitted fact that for the sanctioned post, interviews were held and workman was given an opportunity to appear before the Interview Board. The quality prevailed and the workman was not selected.

As per reference, this Tribunal has no jurisdiction to discuss the procedure laid down in the Interview Board and the selection of suitable candidates by the Interview Boards. This Tribunal has to adjudicate the reference as such and the reference is whether the termination of the workman by the management is legal and justified? As the workman was given the opportunity to appear in the interview, in my opinion the act of the management for terminating his service cannot be termed as unfair labour practice. The action of the management does not fall within the purview of unfair labour practice and as stated earlier, the workman is not entitled for the protection of Section 25-F, 25-G, 25-H. The workman has raised this industrial dispute after 9 years of his termination. No reasonable explanation has been given by the workman explaining this delay. Thus, the reference, being unexplained abnormal delay has become stale and does not stand on merits as well, as stated earlier. The reference is, accordingly, answered in positive that the action of the Management of State Bank of Patiala in terminating the services of Shri Bhajan Dass, temporary Peon w.e.f. 30-10-86 is legal and justified. Central Government be informed. Consign the record.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 26 जून, 2008

का. आ. 1930—औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लार्ड कृष्ण बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकूलम के पंचाट (संदर्भ संख्या 29/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2008 को प्राप्त हआ था।

[फा. सं. एल-12012/287/2003-आई आर (बी-1)]

एन. एस. बोरा, आर्थिक अधिकारी

New Delhi, the 26th June, 2008

S. O. 1930—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 29/2006 of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ernakulam, as shown in the Annexure, in the industrial dispute between the management of Lord Krishna Bank Ltd., and their workmen, received by the Central Government on 26/6/2008.

[F. No. L-12012/287/2003-IR(B-I)]

N. S. BORA, Economic Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P.L.Norbert, B.A., LL.B., Presiding Officer
(Friday the 30th day of May 2008/9th Jyasta 1930)

I.D.29 OF 2006

(I.D. 01/2004 of State Labour Court, Ernakulam)

Union : The General Secretary,
Lord Krishna Bank Employees Union,
Chendamangalam - 683 512.
By Adv.Sri.H.B.Shenoy.

Management : The Chairman,
Lord Krishna Bank Ltd.,
Indian Express Building,
Kaloor, KOCHI-1 7.
By Adv.Sri.Saji Varghese.

This case coming up in Adalath on 30-05-2008, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act.

2. When the matter came up for hearing, the parties expressed their willingness for a discussion and settlement of the dispute.

Accordingly the case was taken up in Adalath. After repeated negotiation with the union, workman and the management it was agreed that the dispute could be settled by converting the punishment of dismissal into discharge and payment of a lumpsum of Rs. 9,00,000/- (Rupees nine lakhs only) to the workman.

In the result an award is passed in terms of the settlement which will form part of the award.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 30th day of May, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

NIL

IN THE CGIT-CUM-LABOUR COURT,
ERNAKULAM

ID.No.29/2006

The matter was negotiated with the union, workman and management and they agreed for a settlement in the following terms.

(1) The punishment of dismissal is agreed to be converted into discharge, but without the provision for pension.

(2) The bank agreed to pay a lumpsum amount of Rs.9,00,000/- (Rupees Nine lakhs only) towards full and final settlement of all the claims of the workman. The union and workman accepts this officer and agree to receive the amount.

(3) The amount is inclusive of tax and the amount is payable within two months from today.

Dated this the 30th day of May, 2008.

Management :

Workmen : Shri V. P. Kamath

Counsel for Union

Counsel for Management

Mediator

नई दिल्ली, 27 जून, 2008

का. आ. 1931-औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक नोट प्रैस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एलसी/आर 296/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-16012/4/1996-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2008

S. O. 1931. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. CGIT/LC/R/296/1997 of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank Note Press, and their workmen, which was received by the Central Government on 27-6-2008.

[F. No. L-16012/4/1996-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

NO. CGIT/LC/R/296/97

PRESIDING OFFICER: SHRI C.M.SINGH

Shri A. K. Datta,
86/ A/I, Adarsh Nagar,
Near Police Line,
Dewas (MP)

Workman/Union

Versus

General Manager,
Bank Note Press,
Dewas (MP)

Management

AWARD

Passed on this 19th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-160 12/4/96- IR(DU) dated 12-10-97 has referred the following dispute for adjudication by this tribunal:—

“क्या प्रबंधतंत्र बैंक नोट प्रैस, देवास (म.प्र.), के प्रबंधकों द्वारा श्री ए. के. दत्ता, भू. पू. कनिष्ठ प्रचालक को आदेश दिनांकित 31-5-91 द्वारा अनिवार्य सेवानिवृत्ति के दंड से दंडित किये जाने का कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

2. The case of Workman Shri K. Datta in brief is that the order dated 31-5-91 passed by the management of Bank Note Press, Dewas (MP) of imposing on him punishment of compulsory retirement from service is neither legal nor proper. The said order is required to be set aside and the workman be given suitable relief.

3. In this case, notices have been sufficiently served on workman as well as on the management but neither the workman nor anybody on behalf of management put in appearance. On the last date fixed i.e. 13-6-08 in the reference, no body responded for the parties when the case was called out. The said date was fixed for filing WS by the management as the case was proceeding ex parte against the workman. As on the said date, no body was present for the parties, this Tribunal was left with no option but to close the reference for award. And in this manner, the reference was closed for award.

4. It appears from the above that perhaps no industrial dispute is left between the parties as the parties are not interested in this reference proceeding. Under the circumstances, it shall be just and proper to pass no dispute award without any orders as to costs.

5. In view of the above, no dispute award is passed without any orders as to costs.

6. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 27 जून, 2008

का. आ. 1932—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आईनैस्स फैक्ट्री के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी

आई टी/एलसी/असा/201/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2008 को प्राप्त हुआ था।

[सं. एल-14012/17/1992-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2008

S. O. 1932.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/201/1993) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory, and their workmen, which was received by the Central Government on 27-6-2008.

[No. L- 14012/17/1992-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

NO. CGIT/LC/R/201/93

PRESIDING OFFICER: SHRI C.M.SINGH

Shri Doodhnath Singh,
President, Ordnance Factory Khamaria Workers Union,
48/7, Type-I, Eastland,
Ordnance Factory Khamaria Estate,
Jabalpur (MP)

—Workman/Union

Versus

The General Manager,
Ordnance Factory Khamaria,
Jabalpur.

—Management

AWARD

Passed on this 19th day of June, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-14012/17/92-IR(DU) dated nil has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of Ordnance Factory, Jabalpur (MP) in terminating the services of Shri Doodhnath Singh, President, Ordnance Factory Khamaria Worker's Union w.e.f. 14-3-92 is justified? If not, what relief he is entitled to?”

2. The case of workman Shri Doodhnath Singh, then President of Ordnance Factory Khamaria Worker's Union in brief is as follows, That the Union has raised several industrial disputes against victimisation of their officials

by the management, about the demands raised by the union, about issue of protection of workmen in the Factory etc. The management of Ordnance Factory, Khamaria with an ulterior motive had issued a false chargesheet against the workman on 28-1-91 alleging several acts of misconduct against him. The management conducted a departmental enquiry against the workman without following the rules and regulations for conducting enquiry and the principles of natural justice. Thus the departmental enquiry conducted against the workman is neither legal nor proper. It is prayed by the workman to hold that the order of his termination from services is not justified and liable to be set-aside and he be reinstated in service with full back wages.

3. Vide order dated 13-5-05 passed on the ordersheet of this reference proceeding, the reference proceeded ex parte against the workman. The order dated 13-6-08 on the ordersheet of this reference proceeding reveals that on the said date, when the case was called out, no body responded for the parties, no ex parte evidence was adduced by the management and under the circumstances, this Tribunal was left with no option but to close the reference for award. And in this manner, the reference was closed for award.

4. It is clear from the above that the parties have no interest in this reference proceedings. Perhaps no industrial dispute is left between the parties. Therefore, it shall be just and proper to pass a no dispute award in this case without any orders as to costs.

5. In view of the above, no dispute award is passed without any orders as to costs.

6. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 27 जून, 2008

का. आ. 1933.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास टेलीफोन्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 482/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2008 को प्राप्त हुआ था।

[सं. एल-40012/165/1996-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2008

S. O. 1933.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 482/2001) of the Central Government Industrial Tribunal—

cum-Labour Court, Chennai, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Telephones, and their workmen, which was received by the Central Government on 27-6-2008.

[No. L-40012/165/1996-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 30th May, 2008

Present:

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE No. 482/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Madras Telephones and their Workman)

BETWEEN

Sri S. Sanjeevaiah : I Party/Petitioner

Vs.

The Chief General Manager : II Party/Respondent
Madras Telephones
Madras 600001

Appearance:

For the Petitioner : M/s. R. Karunagaran,
R. Saritha, Advocates

For the Management : Sri M. Govindaraj

AWARD

The Central Government, Ministry of Labour vide its Order No. L-40012/165/96-IR(DU) dated 04-02-1998 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is :

“Whether the action of the management of Madras Telephones, Madras-I in terminating the services of Shri S. Sanjeevaiah, Casual Labour w.e.f. 14-04-1995 is justified or not? If not justified to what relief he is entitled?”

2. After the receipt of the order the Tamil Nadu Industrial Tribunal has numbered as I.D. 28/98 and issued notices to the parties, and both parties entered appearance through their Advocates and filed their Claim Statement and Counter Statement respectively. When the matter was pending before the Tamil Nadu Industrial Tribunal; the

Central Industrial Tribunal has been constituted and the above I.D. has been transferred to this Tribunal and the said ID was renumbered as I.D. 482/2001. When the matter was pending before this Tribunal on 21-05-2001 an exparte award was passed due to the absence of the 1st party and the petition for exparte order was also dismissed by this Tribunal. Then the petitioner has filed a Writ Petition before the Hon'ble High Court. The High Court in WP 859/2002 dated 14-09-2007 has set aside the exparte order and it further ordered to restore the I.D. on the file of this Tribunal and to pass appropriate award. After restoration of the I.D., the petitioner/1st party again remained absent and after giving several adjournments he was set exparte and an exparte order was passed in this case.

3. The petitioner's allegation in the Claim Statement are briefly as follows:

The petitioner was employed as a wash boy in the Departmental Canteen of the Respondent in Flower Bazar Exchange and he was working in that Canteen from 1988. Pursuant to the judgement of the Supreme Court, the Central Government issued a memorandum with regard to employees of the non-statutory Departmental Canteen and further stated that they should be treated as Govt. servants with effect from 01-10-1991. While so, the Respondent Management trying to disengage the petitioner has issued a notice under Section-25(F), the petitioner challenged the same before CAT in OA 451/95. But the said application was dismissed on the ground that the petitioner should approach the forum under the ID Act. Hence, the petitioner raised the dispute before the labour authorities and on failure of conciliation the matter was referred to this Tribunal. The reason given in the retrenchment notice is a false one. Even today the Respondent engaging workers on contract basis and therefore it is false to allege that there is not work in the Canteen. The petitioner is entitled to the benefits of Tamil Nadu Industrial Establishment (Conferment of Permanent Status) of Workman Act, 1981. Hence, he prays this Tribunal to pass an award to reinstate the petitioner with full backwages and for attendant benefits.

4. As against this, the Respondent in his Counter Statement alleged no doubt that the petitioner was engaged as Casual Labourer in the Departmental Canteen, since the workload of the Canteen was reduced a decision was taken to disengage the petitioner who has worked as Casual Labour and some other persons. Further, since the petitioner was not engaged on Muster Roll and paid from the Departmental Fund, the question of treating him on par with Casual Labour of the Department does not arise. The petitioner was paid only from the Canteen proceeds and welfare subsidy. It is false to alleged that he has completed 480 days of continuous work and therefore the Act is not applicable. Hence, he prays that the claim may be dismissed with costs.

The points for determination are:

- (i) Whether the action of the Respondent in terminating the services of the petitioner with effect from 14-04-1995 is justified?
- (ii) To what relief the petitioner is entitled?

Points (i) & (ii)

5. Though the petitioner has alleged that he has worked as a Casual Labour under the Respondent Management continuously from the year 1988, he has not established this fact with any satisfactory evidence and he remained absent and set exparte. Since the burden of proving that he is entitled to the concept of Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act is upon the petitioner and since the petitioner has not established this fact also with any satisfactory evidence, I find the petitioner is not entitled to any relief much less the relief of reinstatement with all benefits.

6. These points answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th February, 2008)

K. JAYARAMAN, Presiding Officer

Witness Examined

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex. No.	Date	Description
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Nil

On the Management's side

Ex No.	Date	Description
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Nil

नई दिल्ली, 27 जून, 2008

का. आ. 1934—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, चेन्नई के पंचाट (संबंध संख्या 31/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2008 को प्राप्त हुआ था।

[फा. सं. एल-40012/87/2005-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2008

S. O. 1934. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, as shown in the Annexure, in the industrial dispute between the employers in relation

to the management of Bharat Sanchar Nigam Limited, and their workmen, which was received by the Central Government on 27-6-2008.

[F. No. L-40012/87/2005-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Monday, 28th April, 2008

Present :

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE No. 31/2006

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Bharat Sanchar Nigam Ltd. and their Workman]

BETWEEN

Sri K. Singarayar, : I Party/Petitioner
S/o Kulathai Samy,
6/30, Main Road,
Madurai Road,
Melaputhur,
Trichy-620001

AND

1. The Principal General Manager,
Bharat Sanchar Nigam Ltd.
Prominad Road,
Cantonment,
Trichy-1

2. The Chief General Manager,
Bharat Sanchar Nigam Ltd.,
120 Feet Road, Anna Nagar,
West Extension,
Padi,
Chennai-50 : 2nd Party/Respondent

Appearance :

For the Petitioner : Sri G. Purushothamman
For the Management : M/s A. Radhakrishnan
Associates

AWARD

The Central Government, Ministry of Labour vide Order No. L-40012/87/2005-IR (DU) dated 19-05-2006 has referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the removal from service imposed on Sri K. Singarayar by the management of Bharat Sanchar Nigam Ltd., Trichy is legal and justified? If not, to what relief the workman is entitled to?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 31/2006 and issued notices to both sides. Both sides entered appearance through their advocates and filed their claim and counter statement respectively.

3. The allegations in the Claim Statement are briefly as follows:

The petitioner joined as Casual Mazdoor in the Department of Telecom w.e.f. 13-02-1982 and he was regularized in service on 02-04-1993 and his service were confirmed w.e.f. 02-01-1995. The Department of Telecom was renamed as Bharat Sanchar Nigam Ltd. in the year 2000. The petitioner had put in continuous service of 19 years without any remarks. While so, he had developed some Neuro Psychiatric problem during the year 1998 for which he was sanctioned Medical Leave from 27-07-1998 to 29-10-1999. Even while he was under treatment, he was promoted and posted as Telecom Mechanic by Office-Memo dated 20-08-1999. For the period from 27-07-1998 to 29-10-1999, Medical Leave was sanctioned to him and for the subsequent period from 30-10-1999, even though Medical Leave application was submitted to the Respondent, leave was not sanctioned for administrative reasons. After the petitioner was completely cured from his illness, he submitted Medical Fitness Certificate on 03-07-2003 and he reported for duty but unfortunately he was not permitted to join duty and he was officially informed that he was dismissed from service w.e.f. 19-10-2000 by an order and it was communicated to the petitioner on 04-09-2003. For the alleged enquiry, no Charge Memo had been served on the petitioner, no enquiry notice was issued to him and the enquiry was said to have been conducted behind the back of the petitioner. Further, the findings of the Enquiry Officer was not served to him and no opportunity was given to the petitioner to explain about the findings of the Enquiry Officer nor about the proposed punishment to be inflicted against him. Even though the Respondent Management was fully aware of his change of address during his medical treatment, no notice was sent to him to his new address which is against the statutory principles and in violation of natural justice. Even after several representations, the Respondent has not furnished the copies of the proceedings and the documents marked thereon. Therefore, the enquiry proceedings said to have been conducted against the petitioner is illegal and unsustainable. Hence for all these reasons, the petitioner prays this Tribunal to set aside the order of dismissal and to reinstate him in service with continuity of service and all other consequent benefits.

4. As against this the Respondent in his Counter Statement alleged the Department of Telecom became

Bharat Sanchar Nigam Ltd. w.e.f. 01-10-2000 and the petitioner who was absent unauthorizedly from 01-08-1999 has no locus standi to say that he has continued in service with BSNL without any service break. The petitioner was removed from service w.e.f. 19-10-2000 after conducting necessary Disciplinary Proceedings as per CCS(Conduct) Rules and CCS(CCA) Rules, 1965, therefore the petitioner is no longer an employee of BSNL. Previously, the petitioner was sanctioned leave from 27-07-1998 to 31-07-1999 only and he applied for extension of leave from 01-08-1999 for 90 days which was not sanctioned and the petitioner was directed to report for duty immediately but he has not turned up for duty and he was absent from 01-08-1999 unauthorizedly. The Medical Certificate was also not produced for the reasons best known to the petitioner. Further, previously Medical Certificate was issued to the petitioner for "Acid Peptic", "Pain in Abdomen" and "Viral Hepatitis" but there is no mention about "Neuro Psychiatric problems" as alleged by the petitioner. The petitioner has given only false information with regard to his leaves. No doubt, the petitioner was given a promotion as Telecom Mechanic during August 1999 but he has not joined the said duty since he was under unauthorized absence. That the first instance firstly applied leave for 90 days from 27-07-1998 under Earned Leave with Medical Certificate subsequently he has applied for 100 days that also on Earned Leave on Medical Certificate. The 3rd spell for 90 days he has applied from 02-02-1999 out of which Earned Leave and Commuted Leave on Medical Certificate 10 days from 02-02-1999, subsequently the petitioner was granted 80 days Extraordinary Leave (EXOL) from 12-02-1999. The next spell of EXOL for 90 days granted from 03-05-1999, the due date for the above said leave for joining was 01-08-1999. The petitioner's immediate superior had issued a telegram on 02-08-1999 and also sent a letter dated 06-08-1999 by a Regd. Post with Acknowledgement Due requesting him to join duty immediately. But, the above said letters were returned with a postal endorsement. "Door Locked", "Absent", "Intimation Served". Even after the Disciplinary Authority sent a letter under Regd Post with acknowledgement Due dated 14-10-1999, the said letter was also returned with postal remarks as "poor Locked", "Intimation Served". Even in his said letter, the Disciplinary Authority has directed the petitioner to join duty to avoid any further departmental action. Hence the department presumed that the service of the notice as proper and has taken disciplinary action against the petitioner. The department has given ample opportunity to the petitioner to defend himself but the petitioner has not given the change of address to the department nor mentioned his change of address in the application for leave. All communications and notices were sent to the petitioner's last known address as per the records and the same were returned undelivered with the postal endorsement as "Not Found", "Door Locked", "Intimation Served". The petitioner had not submitted any Fitness Certificate to the Respondent as

alleged by him and only the Xerox copy of the same was received through the representation to the Ministry of Communication. Thus, his attitude and behaviour clearly show that he might have left the station or Headquarters for a longer duration. Further, the domicile of the petitioner in India during the disputed period itself is doubtful. During that period, the Respondent has also addressed the Police authorities to trace the petitioner's whereabouts but the Police authorities has not sent any reply. Thus, the petitioner failed to maintain devotion to duty contravening the conduct rules, therefore, the Respondent Management has taken disciplinary action against the petitioner and every opportunity has been provided to the petitioner. The Enquiry Officer after due enquiry has given a finding that the charges framed against the petitioner are proved and the Disciplinary Authority has passed an order removing the petitioner from service w.e.f. 19-10-2000 based on the Enquiry Officer's report and perusal of the documents. The removal order was conveyed to the petitioner's local address and also to his native permanent address but they were returned as 'Undelivered'. The allegation that the petitioner has made several representations is without any substance. Furthermore, the letter dated 04-09-2003. sent by this Respondent was acknowledged by the petitioner only in the Naduvalur based address viz. his native place address on the other hand the order of removal sent to the same address on 30-10-2000 was returned undelivered as "Gone Out", "No Such Addressee" Thus, the petitioner has alleged to have submitted Fitness Certificate after 4 years without any sanctioned leave or any intimation. In this case, the disciplinary proceedings against the petitioner was initiated by the competent authority and therefore the petitioner cannot question the same and the petitioner unauthorizedly absented himself from duty for years together cannot blame the Respondent Management that the exparte enquiry is not sustainable, therefore, the order of removal from service is maintainable under law and the petitioner is not entitled to any relief as sought for. Hence, the Respondent prays that the claim may be dismissed with costs.

Points for determination are:

- (1) Whether the removal of service imposed on the petitioner by the Respondent is legal and justified?
- (2) To what relief the petitioner is entitled?

Point No. 1

5. In this case, the absence of the petitioner from 01-08-1999 to 02-03-2003 is admitted. According to the petitioner it is not unauthorized and he has applied for Medical Leave and the Respondent Management has not sent any communication rejecting his application for leave or accepting the application and therefore he presumed that the Respondent Authorities have sanctioned the Medical Leave applied by him. Further even though the Respondent

Management were fully aware of his change of address during his medical treatment for Neuro-Psychiatric ailment, the Respondent Authorities have want only sent the communications with regard to domestic enquiry to his local address and got back the notice stating that he has "Left" or "Intimation Given" and proceeded the enquiry exparte and passed an illegal order which is unsustainable in the eye of law. The petitioner examined himself as WW1 and marked Ex.W1 to Ex.W7 which are the copy of the regularization order, appointment order, confirmation order, salary pay slip and copy of the order posting him as Telecom Mechanic and the copy of his representation dated 02-07-2003 and 31-03-2004.

6. As against this, on the side of the Respondent one Santhanalakshmi, the Sub-Divisional Engineer (OCB), Trichy is examined as MW1 and one Gunasekaran, the Disciplinary Authority in the domestic enquiry is examined as MW2 and on the side of the Respondent, EX.M1 to M56 are marked. By marking all the above documents, with regard to the leave particulars of the petitioner, the Respondent contended that the petitioner has availed all the Medical Leaves prior to 01-08-1999 and therefore he has no Medical Leave to his credit in his account and therefore the Medical Leave applied by the petitioner from 01-08-1999 was rejected and it was also communicated by a telegram and also by a Regd. letter which was returned to the Respondent Authorities stating that the petitioner has left and an endorsement was made in these letters. Under such circumstances, the Respondent Authorities has no other go except to take disciplinary action against the petitioner and all communications and notices were sent to the last known address of the petitioner given by him to the Respondent Authorities. Under such circumstances, the action taken against the petitioner cannot be questioned by the petitioner nor it can be stated as illegal. In this case, the Respondent has produced documents to show that the petitioner has applied for leave from 27-07-1998 in four spells. At the first instance, he has applied for 90 days, subsequently he has applied for 100 days and then applied for 90 days and lastly he again applied for 90 days and these periods of leave have been sanctioned to him. But for the period from 01-08-1999, though he has applied for Medical Leave, the said leave was not recommended by the Junior Telecom Officer on the ground that he has no leave to his credit, therefore, the competent authority has not sanctioned the said leave. Further, it is argued on behalf of the Respondent in all the prior four applications, the petitioner has stated the reason for the Medical Leave as "Acid Peptic", "Pain in Abdomen" and "Viral Hepatitis" and so on. In all these Medical Leaves, he has not stated that he is affected by any Neuro Psychiatric problem and it was not informed to the Respondent Authorities that he was all along affected by Neuro Psychiatric problem till 03-07-2003 viz. the application for joining report. Therefore, the Respondent Authorities suspects that he

might have left the station or Headquarters for a longer duration and the domicile of the petitioner in India during the disputed period is also a doubtful one. Under such circumstances, since all the communications and notices were sent to the petitioner to his last known address as per the records and the same were returned undelivered with a postal endorsement is deemed to have been proper in service and therefore he cannot dispute the action taken against him by the Respondent Authorities. In this case, in the cross-examination, the petitioner has admitted that he has not given the change of address to the Respondent Authorities during his illness, under such circumstances the enquiry conducted by the Respondent Authorities is proper and the petitioner cannot question the same.

7. The learned counsel for the Respondent further relied on the rulings reported in 2003 2 TLNJ 82 A.M. RAMAKRISHNAN VS. MADURAI VIRUDHUNAGAR NADARAL URAVINMURAI PARIBALANA SABAI REPRESENTED BY ITS SECRETARY wherein the High Court has held "in a circumstance where notice was sent by Regd. Post and addressee not available in the address given by the authorities and the postal authorities and left a message about the Regd. letter to the inmates when the addressee fails to claim delivery of the letter from the Post Office, it was held that the letter deemed to have served properly". Relying on this decision, the learned counsel for the Respondent argued that in this case all the communications and notices were sent to the petitioner in proper time but they were returned with a postal endorsement as "Left the place", "Addressee not known" and "Information given", under such circumstances no one can question the action taken by the Respondent and it should be held as proper service and therefore the domestic enquiry held by the Respondent Authorities is not vitiated for the allegation made by the petitioner that no notice was served to him in the domestic enquiry. I find much force in the contention of the learned counsel for the Respondent. In this case it is admitted by the petitioner that he has not given the change of address to the Respondent Authorities and therefore he cannot complain that he has no notice about the enquiry and the enquiry is illegal.

8. The learned counsel for the Petitioner then contended that in this case the petitioner has served more than 19 years in the Respondent Management and it was not complained prior to this incident that he has committed any misconduct like this, under such circumstances only for the reason that the petitioner has absented duty, such a major punishment should not be imposed on him and he relied on some of the rulings passed by the Supreme Court and the High Court. The first ruling relied on by the learned counsel for the Petitioner is reported in 1973 LIC 851 Workman of Firestone Tyre and Rubber Co. Vs. The Management and Others wherein the Supreme Court has held "even where the dismissal of a workman by an employer on ground of misconduct is preceded by a proper

and valid domestic enquiry, Section-11 A of the I.D. Act now empowers the Labour Court or a Tribunal to reappraise the evidence and examine the correctness of the finding thereon. Section-11 A further empowers it to interfere with the punishment "and alter the same". The next decision relied on by the learned counsel for the Petitioner is reported in 1982 SC 1552 RAMA KANT MISRA Vs. STATE OF UP & OTHERS wherein the Supreme Court interfered with the punishment of dismissal in a case where an employee who was served more than 14 years of service without any complaint and who was being dismissed for use of bad language on one occasion unconnected with any subsequent positive action and in that case the Supreme Court interfered with the imposition of punishment and reduced the same. The next decision relied on by the learned counsel for the Petitioner is reported in 1998 2 LLJ 1204 MANAGEMENT OF ESSORPE MILLS (P) LTD., Vs. PRESIDING OFFICER, LABOUR COURT, COIMBATORE wherein the Madras High Court has held "not to interfere with the quantum of punishment given by the Labour Court setting aside the order of termination given by the domestic enquiry and directing reinstatement of workman with 50% backwages after recording a finding that the domestic enquiry was fair and reasonable and findings are not perverse and taking into account of 19 years of unblemished service of the workman, the Labour Court interfered with the quantum of punishment which is appreciated by the Hon'ble High Court. The next decision relied on by the learned counsel for the petitioner is reported in 1991 1 LLN 268 ENGINE VALVES LTD. Vs. LABOUR COURT, MADRAS wherein the Division Bench of the Madras High Court in a case held that "the dismissal of a workman after domestic enquiry for willful insubordination and disobedience of lawful orders of superiors has held since the past conduct of the employee not taken into account vitiates the enquiry and reinstate the employee in service". Thus, the learned counsel for the petitioner placed much reliance on the above decisions and argued that even assuming that the domestic enquiry held in this case is just and proper, the imposition of removal from service is disproportionate to the misconduct alleged against him and the petitioner has served more than 19 years without any blemish which was not considered by the Respondent Authorities and therefore, this is a fit case for the Tribunal to interfere in the imposition of punishment. But I am not inclined to accept this argument of the learned counsel for the Petitioner because the unauthorized absence for such a long period cannot be viewed lightly though the petitioner's past service has not been considered by the domestic enquiry since the petitioner has taken different stands in different times, I am not inclined to accept the past service of the petitioner is to be considered in such circumstance. The petitioner has alleged that he has been affected by Neuro Psychiatric problem during the relevant period but he has not produced any single document to show, except the certificate given by the doctor for joining

duty. If really, he has been affected by Neuro Psychiatric problem he must have kept records to show the said complaint. Under such circumstances, I bona fide doubt the ailment alleged by the petitioner for his unauthorized absence and I am also inclined to accept the contention of the Respondent that the petitioner might have left the station or headquarters for a long duration and the domicile of the petitioner in India during the dispute. Since, in this case, the Respondent has taken action for the petitioner's unauthorized absence and since he has absented himself for duty unauthorized for more than 4 years, I am not inclined to interfere in the imposition of punishment given by the Respondent Authorities. I am also not inclined to invoke the provisions of Section-11 A under these circumstances.

9. The learned counsel for the Petitioner further contended though the enquiry alleged to have been conducted is just and proper manner, in this case it is admitted by the Management's witnesses that no documents was marked in the enquiry and no witnesses was examined during the enquiry, under such circumstances, it cannot be said that the domestic enquiry held against the petitioner is just and proper and therefore the imposition of punishment also is also not valid in law. But here again I am not inclined to accept the arguments of the learned counsel for the petitioner because even in AIR, 1973, SC, 1227 VIZ. IN THE F.T. & R. CO. case the Supreme Court has held the mere fact that no enquiry or defective enquiry has been held by the employer does not by itself render the dismissal of a workman illegal. The right of the employer to adduce evidence justifying his action for the first time in such a case is not taken away by the proviso to Section-11A". Under such circumstances, in this case before this Tribunal, the Respondent Authorities has marked all the relevant documents indicating the unauthorized absence of the petitioner. Under such circumstances, it cannot be said that the domestic enquiry held against the petitioner is not proper. Therefore, on any account it cannot be said that the imposition of punishment by the Respondent Authorities is disproportionate to the misconduct alleged against him. As such, I find this point against the petitioner.

Point No. 2

The next point to be decided in this case is, to what relief the petitioner is entitled to?

10. In view of my finding that the imposition of punishment by the Respondent against the petitioner is legal and justified, I find the petitioner is not entitled to any relief.

11. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th April, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:

For the I Party/Petitioner WW1 Sri K. Singarayar
 For the II Party/Mgmt. MW 1 Smt. R. Santhanalakshmi
 Documents Marked : MW 2 Sri N. Gunasekaran
 On the petitioner's side

Ex. No.	Date	Description
Ex.W1	February 1993	Appointment Order
EX.W2	07-05-1993	Regularization Order
EX.W3	31-03-1995	Confirmation Order
EX.W4	20-08-1999	Posting Order as Telecom Mechanic
EX.W5	May 1998	Salary - Pay Slip
EX.W6	03-07-2003	Representation by petitioner
EX.W7	31-03-2004	Representation by petitioner

On the Management's side

Ex. No.	Date	Description
EX.M1	—	Petitioner leave application for 90 days with effect from 27-07-1998
EX.M2	—	Extension of Leave applied by Petitioner w.e.f. 25-10-1988 for 100 days
Ex.M3	—	Extension of leave application for 90 days from 02-02-1999
EX.M4	—	Extension of leave for 90 days from 03-05-1999
EX.M5	—	Extension of leave applied by the petitioner
EX.M6	04-09-2003	Reply by 1st Respondent
EX.M7	05-08-1998	Leave sanction memo
EX.M8	19-02-1999	Leave sanction memo
EX.M9	15-05-1999	Leave sanction memo
EX.M10	02-08-1999	Lr. Dy. immediate superior
EX.M11	Aug., 1999	Telegram to the Petitioner directing to report for duty immediately
EX.M12	06-08-1999	Lr. to the petitioner directing to report for duty immediately
EX.M13	09-09-1999	Lr. by AO to Disciplinary Authority to intimate whether office had joined duty or otherwise

Ex. No.	Date	Description
EX.M14	16-09-1999	Lr. by immediate superior to Disciplinary Authority about non-delivery of letter and continued absence from 27-07-1998 (with undelivered cover of Ex. M12)
EX.M15	22-09-1999	Intimation of Disciplinary authority about the unauthorised absence
EX.M16	13-10-1999	Lr. by Disciplinary Authority to DE Admin. with regard to inability to relieve on promotion to phone mechanic
EX.M17	14-10-1999	Letter addressed by Disciplinary Authority to the petitioner directing to join duty and to avoid departmental action
EX.M18	—	Undelivered cover of EX.M17
EX.M19	31-10-1999	Telegram issued to report for duty
EX.M20	02-11-1999	Lr. addressed to Inspector of Police
EX.M21	03-11-1999	Lr. by Disciplinary Authority to AO(D)
EX.M22	03-11-1999	Lr. by immediate superior to Disc. Authority
EX.M23	05-11-1999	Lr. by Disc. Authority to DE Admin. reg. remarks of undelivered letter and unauthorised absence from duty
Ex.M24	14-12-1999	Lr. to Inspector of Police to trace the official consequent on unauthorised absence
Ex.M25	07-01-2000	Lr. to Inspector of Police to find out the whereabouts of the official
Ex.M26	24-01-2000	Intimation of unauthorised absence by the immediate superior to the Disciplinary Authority
Ex.M27	22-02-2000	Intimation of unauthorised absence by the immediate superior to the Disciplinary Authority
Ex.M28	15-03-2000	Intimation of unauthorised absence by the immediate superior to the Disc. Authority

Ex. No.	Date	Description	Ex. No.	Date	Description
Ex.M29	22-03-2000	Intimation of unauthorised absence by the immediate superior to the Disc. Authority	EX.M44	26-06-2000	Daily Order Sheet on 26-06-2000 recording the absence of Petitioner
Ex.M30	15-11-1995	Nomination for death cum gratuity mentioning Trichy address	EX.M45	30-06-2000	Report of Inquiry authority with documents and daily order sheets and two undelivered covers
EX.M31	22-03-2000	Show cause notice addressed to the official as to why disc. action shall not be initiated	EX.M46	30-06-2000	Finding of the Inquiry Authority
EX.M32		Returned undeliver cover of EX.M31	EX.M47	19-10-2000	Punishment Order of Disc. Authority
Ex.M33	01-04-2000	Intimation of unauthorised absence by the immediate superior to the Disc. Authority	EX.M48	19-10-2000	Returned undelivered cover sent to Trichy address so as to communicate order of removal from service
Ex.M34	06-04-2000	Charge Sheet	EX.M49	-	Postal receipt of Registration sent to native address at Naduvalur
Ex.M35	-	Undelivered letter	EX.M50	30-10-2000	Returned undelivered cover sent to Naduvalur residence being the native place wherein present communication sent was received by the Petitioner
Ex.M36	16-05-2000	Conveying Order of Appointment of inquiry authority to the Petitioner	EX.M51	30-10-2000	Lr. of Disc. authority to DE Admn. regarding intimation given to the petitioner pertaining to removal
Ex.M37	16-05-2000	Conveying Order of appointment of Presenting Officer of the case to the Petitioner	EX.M52	03-07-2003	Request by the petitioner to take back and regret for unauthorized absence
Ex.M38	16-05-2000	Returned undelivered cover of Ex.M36 and Ex.M37	EX.M53	03-07-2003	Alleged Fitness Certificate
EX.M39	24-05-2000	Intimation by Inquiry Authority to the Petitioner to attend inquiry on 05-06-2000	EX.M54	19-08-2003	Report of Disc. Authority to DE Admn.
EX.M40		Undelivered cover of EX.M39	Ex.M55	31-03-2004	Letter without authenticity
EX.M41	06-06-2000	Intimation by Inquiry Authority fixing hearing on 26-06-2000	Ex.M56	—	Extract of Service Book entry pertaining to removal of service
EX.M42	-	Undelivered cover of EX.M41			
EX.M43	05-06-2000	Daily Order Sheet on 05-06-2000			